

ORDINANCE NO. 443

AN ORDINANCE PROVIDING FOR RULES AND REGULATIONS AND CONTROL CONCERNING CARE, PLACING OF MONUMENTS, PLANTING OF SHRUBS, GOVERNMENT, AND OPERATION OF CASCADE LOCKS CEMETERY OF CASCADE LOCKS, OREGON, AND REPEALING ORDINANCE NO. 437.

WHEREAS, the municipal cemetery of Cascade Locks is known as and has been assigned officially the name of Cascade Locks Cemetery, and

WHEREAS, it is the desire of the City of Cascade Locks, Oregon, to establish and conduct the Cascade Locks Cemetery in harmony with a modern and park like cemetery;

NOW, THEREFORE, the City of Cascade Locks, Hood River County, Oregon ordains as follows:

SECTION 1. Definitions. The following definitions will apply and be controlling in interpreting the effect and construction to be placed upon various portions of this ordinance.

- 1) The term cemetery is hereby defined to include a burial park for earth interments.
- 2) Lot or burial space. The terms “lot” or “burial plot” shall be used interchangeably and shall apply with like effect to any one grave, or to any one adjoining niche. Single grave spaces shall be at least four feet by eight feet by four feet depth.
- 3) Interment defined. The term “interment” shall mean the permanent disposition of the remains of a deceased person by cremation or inurnment, or burial.
- 4) Memorial defined. The term “memorial” shall include a monument, marker, tablet, headstone, tombstone, urn, and crypt and niche plates.
- 5) Monument defined. The term “monument” shall include a tombstone or memorial of granite or other approved stone, which shall not extend above the surface or level of the ground.

SECTION 2. City Finance. The City shall receive, issue proper receipts for, and place in appropriate cemetery funds all monies due the City of Cascade Locks (hereinafter referred to as the “City”) from the sale of lots, services furnished and from all other sources.

There shall be appointed a Cemetery Superintendent by the Mayor with Council approval, and he/she shall keep the following records in conjunction with the City Administration Department:

- a) A diagram of each lot sold in the cemetery and identified by number of block, number of lots, date sold and name and address of owner.
- b) An index of lot numbers showing full name of the owner and lot and block number.
- c) An interment record register containing a cumulative record of burials; showing the date of interment, the name, the place of death, name and address of funeral director, lot, block, and location of grave.
- d) A lot ownership record containing copies of receipts issued at the time of sale of the lots.

[The] City is authorized to collect a plot fee, as established from time to time by the City Council, for each transfer of ownership from the City to the purchaser.

SECTION 3. General Supervision of the Cemetery.

1) Subject to the order of the City Council, the Superintendent shall have absolute charge of the cemetery and is authorized to enforce the rules; to maintain order; to supervise all workmen, visitors, and drivers; to expel from the grounds any improper person or persons, or those who violate the rules; and to refuse admission to any person or materials when he/she may deem such action necessary. The Superintendent shall have and is hereby granted the powers of arrest for any and all violation of any of the provisions of this ordinance.

2) All lots are sold subject to the rules and regulations concerning this cemetery now in force or which may thereafter be adopted. No lots will be used for any other than burial of the human dead.

3) All work in the cemetery will be done under the direction of the Superintendent. Lots will be set to grass and mowed in season only.

4) No transfer of any lot, burial space or burial plot may be made to anyone; except that it may be resold to the City of Cascade locks at a price equal to 10 percent less per grave space than the price paid by the grantee.

5) No enclosure of any nature, such as fences, copings, hedges, or ditches, shall be allowed around any burial lot.

6) Grave mounts or mounds will not be allowed. No lot or lots shall be raised above the established grade. The grave will receive the same general care as other parts of the lawn, the grass being cut and the leaves and debris raked off at the time that the remainder of the lawn is cleaned.

7) The City shall take reasonable precaution to protect the plot owners and the property rights of plot owners within the cemetery from loss or damage; but it will not be liable, and it distinctly disclaims all responsibility for loss or 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 as herein provided.

8) It shall be the duty of the plot owner to notify the City Administration Office of any change of their mailing address. Notice sent to a plot owner at the last address on file in the office of the City shall be considered sufficient and proper legal notification.

9) All fittings, adornment, urns, inscriptions, and/or arrangements are hereby declared to be subject to the approval and control of, and acceptance or rejection by, the Superintendent under the direction of the Council.

10) No flower receptacles may be placed on any lot [or] plot, unless of metal of approved material, size, and design, and set level with the established grade.

11) If boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, glass, wood, or iron cases, and similar articles are placed upon lots, the Superintendent reserves the right to remove the same.

SECTION 4. Flowers and Shrubs.

1) Cut flowers will be removed from the grave at the discretion of the Superintendent, and in no event shall they be left thereon longer than two weeks. As soon as practicable after the flowers are removed from a new grave, the earth shall be settled and restored to conform to the surrounding surface of the cemetery.

2) No trees, shrubs, or plants shall be planted, pruned, or removed without the consent of the Superintendent. Acting for the best interests of the cemetery, the Superintendent shall have authority to prune, remove, or transplant any tree, shrub, plant, or anything upon a lot or plot when he/she may consider such a course necessary.

SECTION 5. Monuments and Markers.

1) Under no conditions shall upright monuments be allowed within the plotted cemetery area as administered by the City.

2) Every tombstone shall be erected upon a solid concrete foundation with a mixture of not less than four parts sand and gravel to one part cement, and must be no less than eight inches in the ground and otherwise of sufficient size and depth in ground to permanently support a tombstone, said foundation to exceed the size of said monument at least six inches on all sides; and the Superintendent or his/her assistant shall supervise the placing and setting of tombstones, unless written permission otherwise is given by Superintendent and filed with the City.

3) All tombstones must be good grade granite or bronze, or other approved stone. No temporary grave markers will be installed or erected if the same will in any manner interfere with the mowing, care, or other maintenance of said cemetery, or any part thereof.

4) The City will exercise all possible care to protect raised lettering, carving, or ornaments on any memorial or other structure on any lot, but it disclaims responsibility for any damage or injury whatever.

5) No material shall be allowed to remain in longer than is reasonably necessary for any construction work. No work shall be started on Saturday which cannot be completed on that day. No heavy teaming or trucking will be allowed in wet weather.

6) If any monument, effigy, or structure whatever, or any inscription or sign be placed upon any lot which the Superintendent shall decide to be offensive, unsightly, or improper, the City or Superintendent reserves the right to remove the same from the cemetery grounds.

SECTION 6. Interments and Removals.

1) No interment will be permitted or body received unless the proper certificate is furnished giving the name and residence of the deceased, the name of the nearest relative, and the time and place of death. Twelve hours' daylight notice must be given before any interment.

2) Liner or vault must be used.

3) Only one casket shall be interred in a grave.

4) No permit shall be issued unless all monies due the City have been paid. The burial permit must be filed with the Superintendent upon delivery of the body. Notice of the hour of the funeral must be given at least 12 hours prior to burial services.

5) The City shall not be liable for the authenticity of the interment permit, nor for the identity of the person sought to be interred beyond verifying that the State ID Tag number corresponds with the number on the permit. The cemetery shall not be liable for any difference in identity between the person whose remains are intended to be interred and the person named in said permit.

6) A disinterment permit is to be procured from the State Board of Health. No disinterment shall be made except with the consent of the Superintendent, or public officer or official having authority to order such disinterment and upon the written consent of the authorized representative (next of kin). The City shall use the utmost care in making a removal, but it shall assume no responsibility or liability whatsoever for damage to any casket, cement or steel grave vault or burial case, or urn incurred in making the removal. A disinterment charge shall be levied for any necessary disinterment.

7) The City shall not be held responsible for any order given by telephone, or for any mistake occurring from the want of precise or proper instructions as to the particular space, size, and location in a plot where interment is desired.

8) The City reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterment, or removals; or in the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof property of equal value and similar location as far as possible, or as may be selected by the City; or, in the sole discretion of the City, by refunding the amount of money paid in account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the City reserves and shall have the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof in accordance with Oregon Revised Statute 97.220.

9) No interments shall be permitted on Sundays, or any of the following holidays; Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas, New Year's Day, and Washington's Birthday, unless authorized by Superintendent.

10) Arrangements for opening a closing of burial plots shall be at the expense of the plot owners or heirs.

11) Disbursement of cremains is prohibited.

SECTION 7. Repeal of Prior Ordinances. City of Cascade Locks Ordinance No. 151 is hereby repealed.

SECTION 8. Separability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause, or phrase; and if this ordinance, or any portion thereof, should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance, or such portion thereof, was enacted.

SECTION 9. Effective Date. This ordinance shall take effect on the 30th day following its enactment.

ADOPTED by the City Council this 26th day of June, 2017.

APPROVED by the Mayor this 26th day of June, 2017.

Mayor

ATTEST:

City Recorder