

# **City of Scottsbluff, Nebraska**

**Monday, October 7, 2019**

**Regular Meeting**

## **Item Resolut.2**

**Council to consider an Ordinance amending Cemetery rules and fees. (second reading)**

**Staff Contact: Vince Kelley, Cemetery Supervisor**

## Agenda Statement

Item No. \_\_\_\_\_

For Meeting of: \_\_\_\_\_

**AGENDA TITLE:** Council to consider changes to Cemetery rules and fees.

**SUBMITTED BY DEPARTMENT/ORGANIZATION:** Fairview Cemetery

**PRESENTATION BY:**

**SUMMARY EXPLANATION:** City staff proposes adding a fee for placement of additional flat memorial marker on existing graves without a burial taking place. Also, allowing a personal columbarium on a grave as a monument. Change the wording of Monument Permit Fee to Monument layout Fee, and change Second right of interment to Additional right of interment.

**BOARD/COMMISSION RECOMMENDATION:**

**STAFF RECOMMENDATION:** Staff recommends making these changes.

\_\_\_\_\_  
Resolution ☐ Ordinance ☒ **EXHIBITS**  
Contract ☐ Minutes ☐ Plan/Map ☐  
Other (specify) \_\_\_\_\_

**NOTIFICATION LIST:** Yes ☐ No ☐ Further Instructions ☐  
Please list names and addresses required for notification.

**APPROVAL FOR SUBMITTAL:** \_\_\_\_\_  
City Manager

Rev: 11/15/12 City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING THE MUNICIPAL CODE AT CHAPTER 5, ARTICLE 1, REGARDING BURIAL VAULTS AND MONUMENT LAYOUT PERMITS AND AMENDING CEMETERY FEES AT CHAPTER 6, ARTICLE 6, ADDING FEES FOR SINGLE MARKERS AND DUAL BURIAL EXEMPTIONS AS WELL AS ADDITIONAL RIGHTS OF INTERMENT, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA.**

Section 1. Sections 5-1-13 and 5-1-22 of the Scottsbluff Municipal Code are amended to provide as follows:

**“5-1-13. Burial vaults; required; exemption.**

All bodies interred in Fairview Cemetery shall be enclosed within a burial vault constructed of concrete, metal or fiberglass, except as herein provided. Upon a request in writing for an exemption from such requirement, signed by the survivor(s) by whom burial arrangements are being made, the requirement shall be waived by the Cemetery Supervisor:

- (1) if the Supervisor shall find in writing the deceased held, or that such survivor(s) hold a belief, based upon religious or philosophical grounds, that a body should not be interred within any container constructed of material (other than wood) which will impede disintegration of the body,
- (2) if such survivor(s), prior to interment shall pay into the cemetery fund of the City an additional fee in the amount of seven hundred fifty dollars (\$750.00) to hold the City harmless from the expense of additional maintenance of the grave or adjacent areas which may become necessary because of the absence of a burial vault; and
- (3) if the body is interred in a container constructed of wood.

Family Columbarium (located on family owned burial space) will include events costs for additional right of interment columbarium opening and closing after funeral space purchase.”

**“5-1-22. Monuments; markers; setting.**

It shall be unlawful for any person or firm to set a monument or other grave marker in a cemetery of the City until such person or firm shall have procured a written layout permit from the City employee designated by the City Manager. Before a permit shall issue, such person or firm shall file with such employee a bond with two or more sureties, or of a surety company, to be approved by such employee, in the penal sum of one thousand dollars (\$1,000.00), conditioned that such person or firm:

- (1) will perform and complete the work in a workmanlike manner, and will comply with all laws, ordinances, and written rules and regulations governing monuments and other grave markers, and the setting thereof, in cemeteries of the City, and
- (2) will indemnify the City and hold it harmless from liability for injuries or damages to persons or property caused in whole or in part by negligence on the part of such person or firm, or of persons in his or its employ, in the performance, or in the protection of persons or property during

the performance, of the work, and for any other injuries or damages sustained by the City as a result in whole or in part of failure on the part of such person to complete the work, or to do the work in a workmanlike manner.”

Section 2. Sections 6-6-11 and 6-6-12 of the Scottsbluff Municipal Code are amended to provide as follows:

**“6-6-11 Burial spaces, Mausoleum spaces and Columbarium; Fairview Cemetery.**

Effective November 1, 2019, the purchase price of burial spaces, mausoleum spaces and columbarium in Fairview Cemetery shall be as follows:

<b>Addition</b>	<b>Section</b>	<b>Lot</b>	<b>Space</b>	<b>Price</b>
Original Cemetery	All	All	All	600.00
First	All	All	All	600.00
Second	All, except B & C	All	All	600.00
Second	B	All	Infant	100.00
Second	B	All	Adult	600.00
Third	Replat of A	All	All	600.00
Replat of Third	B	All	All	600.00
Third	C	All	Infant	100.00
Replat of Third	C	All	Infant	100.00
Replat of Third	Replat No. 1 of D	All	All	600.00
Replat of Third	Replat No. 2 of E & F and part of D	568 to 738, incl. (Whole spaces only)	All	600.00
Replat of Third	Replat No. 2 of E & F and part of D	568 to 738, incl. (Half spaces only)	Infant, cremation	350.00
Third	Replat of G	1 to 51, incl.	A, B, C, and D	600.00
Third	Replat No. 2 of G	1-A to 1-D, incl.	All	600.00
Third	Replat of G	4 to 29, incl. and 37 to 49, incl.	E, F, G, and H	600.00
Alleyways	All	All		600.00

Mausoleum - Single To be determined by cemetery supervisor based upon space required.  
Double To be determined by cemetery supervisor based upon space required.  
Columbarium - Single: Niche\* \$600.00  
Double: Niche\* \$900.00

\*Price of cremation niches includes inscription"

**"6-6-12. Service charges; Fairview Cemetery.**

The following charges shall be made for services rendered by the City in Fairview Cemetery:

Grave opening and closing, adult .....	\$550.00
Grave opening and closing, infant .....	150.00
(Limited to rough box not to exceed 50" in length)	
Saturday (A.M. only opening and closings, additional charge .....	500.00
Cremation burial .....	250.00
Disinterment, adult .....	1,000.00
Disinterment, infant .....	800.00
Disinterment, cremation .....	550.00
Foundation fee .....	150.00
Recorded deed (in addition to fees of Register of Deeds) .....	50.00
Monument Layout Fee .....	100.00
Perpetual care .....	200.00
Additional Right of Interment (cremains only on existing graves) .....	300.00
Second Single Marker (without burial) .....	300.00
Second Double Marker (without burial) .....	600.00
Burial Vaults Exemption Fee pursuant to Section 5-1-13 .....	750.00

**Entombment Charges**

Mausoleum: Opening and closing .....	550.00
Columbarium: Opening and closing .....	250.00
Saturday (A.M. only opening and closings, additional charge) .....	500.00
Tent set up .....	200.00"

Section 3. Previously existing Sections 5-1-13, 5-1-22, 6-6-11 and 6-6-12 of the Scottsbluff Municipal Code and all other ordinances and parts of ordinances in conflict herewith are hereby repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, civil or criminal, existing or actions pending, at the time this Ordinance becomes effective.

Section 4. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

**PASSED and APPROVED** on \_\_\_\_\_, 2019.

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Mayor

Attest:

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City Clerk (Seal)

Approved as to Form:

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Deputy City Attorney

~~5-1-13~~ **5-1-13. Burial vaults; required; exemption.**

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- (1) — if the Supervisor shall find in writing the deceased held, or that such survivor(s) hold a belief, based upon religious or philosophical grounds, that a body should not be interred within any container constructed of material (other than wood) which will impede disintegration of the body,
- (2) if such survivors(s), prior to interment shall pay into the cemetery fund of the City an additional fee in the amount of ~~five~~seven hundred fifty dollars (\$~~5~~750.00) to hold the City harmless from the expense of additional maintenance of the grave or adjacent areas which may become necessary because of the absence of a burial vault; and
- (3) if the body is interred in a container constructed of wood.-

Family Columbarium (located on family owned burial space) will include events costs for additional right of interment columbarium opening and closing after funeral space purchase."

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Disinterment, infant .....	800.00
Disinterment, cremation .....	550.00
Foundation fee .....	150.00
Recorded deed (in addition to fees of Register of Deeds) .....	50.00
Monument <del>Permit</del> Layout Fee .....	100.00
Perpetual care .....	200.00
<del>Second</del> Additional Right of Interment (cremains <u>only</u> on existing graves) .....	300.00
<u>Second Single Marker (without burial) .....</u>	<u>300.00</u>
<u>Second Double Marker (without burial) .....</u>	<u>600.00</u>
<u>Burial Vaults Exemption Fee pursuant to Section 5-1-13 .....</u>	<u>750.00</u>
<u>Entombment Charges</u>	
Mausoleum: Opening and closing .....	550.00
Columbarium: Opening and closing .....	250.00
Saturday (A.M. only opening and closings, additional charge) .....	500.00
Tent set up .....	200. <del>00</del> <u>00"</u>



FAIRVIEW CEMETERY  
RULES AND REGULATIONS  
SCOTTSBLUFF, NEBRASKA

**ARTICLE 1 - OBJECTIVES**

These rules and regulations are hereby adopted as a means of mutual protection for all lot owners in Fairview Cemetery. All property owners and visitors are subject to these rules and regulations as herein presented or as amended at a future date. Any reference to these rules and regulations in the certificate of ownership of cemetery lots shall have the same force and effect as if set forth in full therein.

**ARTICLE 2 - DEFINITIONS**

Section 1. Director. The term "Director" refers to the Director of Parks and Recreation of the City of Scottsbluff, Nebraska.

Section 2. Lot, plot, or burial space. The terms "Lot", "Plot", or "Burial Space" shall be used interchangeably and shall apply with like effect to one, or more than one adjoining graves.

Section 3. Memorial. The term "Memorial" shall include a monument, marker, or headstone.

Section 4. Monument. The term "Monument" shall include tombstone, family columbarium or memorial of granite, or other approved stone, which shall extend above the surface of the ground, unless otherwise specified.

Section 5. Cemetery Supervisor. The employee of the City of Scottsbluff, under the direction of the Director, who is responsible for the care and maintenance of the cemetery.

**ARTICLE 3 - GENERAL SUPERVISION OF FAIRVIEW CEMETERY**

Section 1. Funerals. The Cemetery Supervisor shall have authority to set the time and date for all funerals, and the funeral shall be under his direction on reaching the cemetery.

Section 2. Caskets. Once a casket containing a body is within the confines of the cemetery, no funeral director, nor his embalmer, assistant, employee or agent, shall be permitted to open the casket or to touch the body without the consent of the legal representatives of the deceased, or without a court order. The lowering of caskets or vaults into the grave by the funeral director or his assistant is prohibited.

**ARTICLE 4 - INTERMENTS AND DISINTERMENTS**

Section 1. Subject to laws. In addition to being subject to these Rules and Regulations, all interments, which shall include additional right of interment, disinterments, and removals are subject to the orders and laws of the properly constituted authorities of the City, County and State.

Section 2. Time and charges. All interments, disinterments, removals, must be made at the time and in the manner and upon such charges as fixed by the City of Scottsbluff. Charges for the cemetery services must be paid at the time of issuance of order of interment or disinterment.



Section 3. Holidays. No interments, disinterments, removals, or interment service shall be permitted on Saturday, Sunday, or any holidays observed by the City. Saturday morning burials will be allowed in cases where another date may cause a hardship on the family or funeral home.

Section 4. Request for disinterment. The right is reserved by the Cemetery to require at least one week's notice prior to any disinterment or removal, which shall be communicated to the Supervisor of the Cemetery. When a disinterment is being made, no one shall be permitted to be present except the mortician in charge, a representative of the Vault Company and the Cemetery Supervisor and his assistants.

Section 5. Application for interment. Applications for interment including additional right of interment, and the sale of lots must be made at the office of the Cemetery Supervisor at the Cemetery. Morticians are not permitted to sell cemetery lots.

Section 6. Authorization of plot owner. The Cemetery Supervisor reserves the right to make an interment or additional right of interment of any one of several plot owners upon his their written authorization. No other person may be interred in any plot without the written consent of all owners of the plot who are on record as such on the books of the Cemetery.

Section 7. Location of interment space. When instructions regarding the location of any interment space in a plot can not be obtained, or are indefinite, or when for any reason the interment space can not be opened where specified, the Cemetery Supervisor may in his discretion open it in such location in the plot as he deems best and proper, so as not to delay the funeral; and the Cemetery shall not be liable in damages for any error so made.

Section 8. Telephone orders. The Cemetery shall not be held responsible for any order given by telephone or for any mistake occurring due to the absence of precise and proper instructions as to the particular space, size, and location in a plot where interment is desired.

Section 9. Errors, correction. The City of Scottsbluff reserves, and shall have the right to correct any errors that may be made by it either in making interments or removals, or in the descriptions, transfer or conveyance and substituting and conveying in lieu thereof other interment 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 paid on account of such purchase. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery Supervisor 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.

Section 10. Interment delays caused by protests. The Cemetery shall in no way be liable for any delay in the interment of a body where protest to the interment has been made, or where the rules and regulations have not been complied with. The City shall be under no duty to recognize any protest of interments unless they be in writing and filed in the office of the Cemetery Supervisor of the Cemetery.



Section 11. Interment prohibited without full payment. No interment or additional right of interment shall be permitted or memorial or family columbarium placed in or on any property not fully paid for.

Section 12. Interment, more than one body. Not more than one body, or the remains of more than one body, shall be interred in one grave, lot, or vault; provided, one body and four cremated remains of four bodies or the cremated remains of four bodies, or two members of the same family may be interred in one burial space or lot. Burials of infants on line between graves are not permitted.

Section 13. Interment in Church or Lodge plot. Where a plot is owned by a Church, Lodge, or other Society, interments shall be limited to the actual members of that organization and to their husbands and wives or to immediate members of families of members.

Section 14. Removal for profit prohibited. Removal of the heirs, of a body or cremated remains so that the plot may be sold for profit to themselves, or removal contrary to the express or implied wish of the original plot owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.

Section 15. Movement to large plot. A body, or cremated remains, may be removed from its original plot to a larger or better plot in the Cemetery, when there has been an exchange or purchase for that purpose.

Section 16. Care in removal. The cemetery shall exercise the utmost care in making a removal, but it shall assume no liability for damage to any casket or burial vase or urn incurred in making the removal.

Section 17. Plot inalienable by interment. Whenever an interment including an additional right of interment is made in a plot that has been transferred by deed or certificate of ownership to an individual owner by the Cemetery and is held as a separate plot, it shall be indivisible, and the whole of such burial plot thereby becomes inalienable and shall be held as the family burial plot of the owner, in which one grave, niche or crypt may be used for the owner's interment, one for the interment of the surviving husband or wife, if any, of the owner who by law has a vested right of interment therein, and those remaining. If any, the parents and/or children of such deceased owner may be interred, in the order of need, without the consent of any person claiming any interest therein. In the event there shall be no parent or child surviving such deceased person, the right of interment therein shall go to the next heirs at law of such deceased owner as specified by the statutes of descent. Any surviving husband or wife, and any parent, child, or heirs of such deceased owner, may waive his right or her right to interment in such plot in favor of any other relative of such deceased owner or of his wife, and upon such waiver, the body of the person in whose favor the waiver is made may be interred therein.

Section 18. Descent of right of interment. If no interment has been made in a plot which has been transferred by deed or certificate of ownership to an individual owner by the Cemetery, or if all the bodies have been lawfully removed therefrom, in the absence of the specific disposition thereof by the owners last will and testament, the whole of said plot, except the one grave, which must be reserved to the surviving husband or wife of the succession to the heirs at law of the owner.



## **ARTICLE 5 - TRANSFER AND SUBDIVISION OF PLOTS**

Section 1. Transfer or assignment. No transfer or assignment of any plot, or interest therein, to any relative shall be valid without the consent in writing of the City first to be had and endorsed upon such a transfer or assignment, and thereafter being recorded on the books of the Cemetery. In the event the owner, or owners, of any unoccupied lots or burial plots desire to dispose of the same, the City of Scottsbluff shall have first option to repurchase the same from the owner, or owners, thereof, at fifty percent of the current price not to exceed the price which the lots were originally sold by the City.

Section 2. Subdivision of plots prohibited. The subdivision of plots is not allowed, and no one shall be buried in any plot not having any interest therein, except by written consent of all parties interested in such plot; however, all interments, additional right of interment, disinterments and removals are subject to the orders and laws of the properly constituted authorities of the City, County and State.

## **ARTICLE 6 - CONTROL OF WORK BY CITY**

Section 1. City work responsibilities. All grading, general landscape work and improvements, and all openings and closings of graves and all interments, disinterments, and removals shall be made by the City.

Section- 2. Individual improvements. All improvements or alterations of individual property in the Cemetery shall be under the direction of and subject to the consent, satisfaction and approval of the City. The City shall have the right to remove, alter, or change such improvements or alterations at the expense of the plot owner, or, in any event, if at any time, in their judgment, they become unsightly.

## **ARTICLE 7 - DECORATION OF PLOTS**

Section 1. Floral regulations. The rules covering the decoration of graves have been developed to insure safety of the public and cemetery employees. Flowers and other forms of decoration will only be allowed in an approved vase attached to a headstone. An approved vase is one constructed and installed by a licensed and bonded monument company. ALL vases must be approved in writing by the cemetery supervisor before installation. Cemetery staff will remove any vases not approved.

Placement of decorations on the ground will not be allowed March 15, through October 31..

Examples of things not allowed include, but not limited to: shepherds hooks, metal or wooden rods, solar lights, toys, glass or ceramic statues or flowerpots. All of these things can become projectiles and cause harm to people and objects in surrounding area. Planting of live flowers and placement of borders of any kind on the ground next to a headstone is not allowed.

Memorial Day decorations and potted plants are only permitted on gravesites 10 day before and after Memorial Day

Floral arrangements accompanying casket or urn to the cemetery will be placed on the completed grave. They will be removed when they become unsightly or wilted.

Artificial flowers are allowed in approved vases year around. Decoration may be place on the grave November 1 through March 15, any time before or after these dates they will be removed by cemetery staff.

Section 2. The cemetery shall have the authority to remove all floral design, flowers, weeds, trees, and shrubs, of herbage of any kind from the Cemetery. When, in the judgement of the supervisor, they become unsightly, dangerous, and detrimental, or diseased, or when they do not conform to the standard maintenance.

#### **ARTICLE 8 - ROADWAYS AND REPLATTING**

Section 1. Right to replat, regrade, and use property. The right to enlarge, reduce, replat, and/or change the boundaries or grading of the Cemetery or of a Section or Sections, from time to time including the right to modify and/or change the locations of or removal or regrade roads, drives and/or walks, or any part thereof, is hereby expressly reserved. The right for sprinkling systems, irrigation, drainage, lakes, etc. is also expressly reserved, as well as the right to use the Cemetery property not sold to individual plot owners, for Cemetery purposes. The Cemetery reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over plots for the purpose of passage to and from other points.

Section 2. Right to roadways retained by City. No easement or right of interment is granted to any plot owner in any road, drive, alley, or walk within the Cemetery, but such road, drive, alley or walk may be used as a means of access to the Cemetery or buildings as long as the City devote it to that purpose.

#### **ARTICLE 9 - PROTECTION AGAINST LOSS**

The Cemetery shall take reasonable precaution to protect plot owners, and the property rights of the plot owners, within the Cemetery, from loss or damage from causes beyond its 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 other of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

#### **ARTICLE 10 - CHANGE IN ADDRESS OF PLOT OWNERS**

It shall be the responsibility of the plot owner to notify the supervisor of any change in his post office address. Notice sent to a plot owner at last address on file in the office of the Cemetery Supervisor of the Cemetery shall be considered sufficient and proper legal notification.

#### **ARTICLE 11 - MARKER REGULATIONS**

On all full sizes graves in which upright headstones are permitted marker regulation are as follows.

Single space headstones may not exceed 16" in width, 36" in length and 36" in height.  
Double space headstones may not exceed 16" in width, 80" in length and 42" in height.  
Anything larger than a double marker must be approved by the supervisor

Third Addition, Replat Section A-Flat Inside lots and Section-G west ½ of lots. Markers must be flush with ground and may not exceed 12" x 36" for a single marker and 14" x 80" for a double marker.

Third Addition, Section F- Cremation grave spaces only.



Single space headstones may not exceed 16" in width, 36" in length and 24" in height.  
Double space headstones may not exceed 16" in width, 80" in length and 24" in height.

Third Addition, Section B. One-half lots are available for infant burials and are sold in rotation only. These spaces are 5' x 5'. Markers may not exceed 12" in width, 24" in length and must be flush with the ground.

Addition flush markers, for cremation burials or memorials for person(s) not buried at Fairview Cemetery, on existing graves where a marker is in place must be approved by the Supervisor first, and are not permitted in Section-F.

Markers must be centered on the multiple space lots.

All monuments and markers must have not less than a six inch concrete collar after the memorial is set on the foundation.

Memorial materials must be of granite or marble.

Section 13. Any family columbarium placed in the cemetery must comply to marker regulations for each section. Approval of Markers. Approval of the Director or Supervisor must first be obtained before placing a marker or monument in any area not included in the above regulations.

All memorials, markers or monuments shall not be removed unless written notice is given to the cemetery supervisor prior to any removal and a consent and indemnification is delivered to the cemetery supervisor.

## **ARTICLE 12 - BURIAL IN VETERAN'S MEMORIAL PLOT**

### **Section 1. Description of Veteran's Memorial Plot.**

The following lots are set aside as Veteran's Memorial Plot and New Memorial Plot, respectively:

Section A Replat Third Addition - Upright Section, Lots 1, 2, 3, 100, 101, 134, 135, 136, 137, 177, 178 and 386.

Section 2. Eligibility for Burial in Veteran's Memorial Plot or New Memorial Plot. Arrangement for any burial in the Veteran's Memorial Plot or the New Memorial Plot can not be made without first obtaining verification from the County Veteran's Service Office that the deceased is eligible for Veteran's Burial Benefits by virtue of honorable service as defined by the Veteran's Administration regulations. Upon furnishing such proof to the Supervisor, permission for burial in the Veteran's Memorial Plot or the New Memorial Plot will be granted.

Burial space in the Veteran's Memorial Plot will be furnished free if the deceased was a bona fide resident of the City of Scottsbluff for at least one year prior to death. In such case only a charge for opening and closing the grave and recording the deed will be made. Veterans may claim the space at the time of death.

If the deceased does not fulfill the resident requirements, but is otherwise qualified for burial in the plot, the deceased may be buried in the plot providing the regular charges for the lot; recording and opening and closing the grave are paid. These charges must be paid when the interment order is received, as is the case with other burials.

~~A veteran, who meets the requirements for resident of The City of Scottsbluff, may receive a burial space in other sections for 1/2 price with the purchase of a second space at regular price for there spouse.~~

#### **ARTICLE 13 - RULES FOR MEMORIAL WORK**

Section 1. Retail dealers. Memorial dealers shall abide by all rules of the Cemetery. Retail dealers must agree to use only first grade stone guaranteed against any defect and must guarantee the memorial and foundation to be executed in first grade workmanship, with the agreement that should faults develop within five years due to the setting, treatment or handling of the same by the memorial dealer, or due to a defect in the stone such memorial will be replaced by such memorial dealer without cost to the Cemetery or lot owners.

Section 2. Other monument firms. Letter cutters, persons or firms who engage in the business of cleaning monuments, and all other persons or firms, must procure a permit from the Cemetery Supervisor of the Cemetery before any work in the Cemetery is commenced. In order to secure such a permit it shall be necessary for the person or firm to submit satisfactory evidence of their ability properly to perform the work for which they have been engaged.

Section 3. Supervision of workmen. Workmen employed in placing or erecting monuments and other structures, or bringing in materials, shall, as to the Cemetery, operate as independent contractors, but must do so with permission and under the general Supervision of the Cemetery Supervisor.

Persons engaged in erecting monuments, or other structures, are prohibited from attaching ropes to monuments, trees and shrubs, or from scattering their material over adjoining lots, or from blocking avenues or driveways, or from leaving their material on the grounds longer than is absolutely necessary. They must do as little injury to the grass, trees and shrubs as possible, and must remove all debris and restore the ground and sod to its original condition. No monument company will be permitted to do work of any kind in the Cemetery except during regular working hours and days.

No material, machinery, or other thing for the construction of vaults, mausoleums, monuments, or such structures, or monuments themselves may be brought into the Cemetery until required for immediate use. Work may continue during a funeral if the work area is sufficiently far away not to disturb the funeral service. Determination of whether work can continue during a funeral service will be solely up to the cemetery supervisor. No work shall be done on weekends or holidays without special permission from the Cemetery Supervisor.

Work shall proceed promptly until the erection of the memorial is completed.



Section 4. Responsibility for damage. Any damage done to the Cemetery by dealers or contractors, or their agent, shall be repaired by the Cemetery, and the cost of such repair shall be charged to the dealer or contractor, or to his principal.

Section 5. Soliciting of bereaved prohibited. Approaching the bereaved and soliciting memorial business within the Cemetery is prohibited.

## **ARTICLE 14 - MONUMENTS AND MARKERS**

Section 1. Location and installation. Only one central or family memorial shall be allowed on a family lot, which when placed at the front of the lot, shall be set at least five inches from the front line of the lot. Monuments and markers may only be erected or installed by qualified and bonded Monument Companies or their approved representatives. Temporary markers must be flush with the ground. All monuments and markers must have not less than a six inch concrete collar flush with the ground, provided that in Section F all monuments and markers must have an six inch collar, flush with the ground.

Corner posts shall be of natural stone placed flush with the grade. Initials shall be cut in, not raised. Corner posts shall be at least one foot in length and dressed where they abut the adjacent lots.

Section 2. Borders prohibited. No copying, curbing, fencing, hedging, grave mounds, borders, or enclosures of any kind, shall be allowed around any graves or lot; and no walks shall be allowed on any lot. The cemetery reserves the right to remove the same if so erected, planted, or placed.

Section 3. Responsibility for damage. While the Cemetery will exercise all possible care to protect raised lettering, carving, or ornaments on any memorial, or other structure, on any lot; it disclaims responsibility for any damage or injury thereto.

Section 4. Design and finish. The City shall have authority to reject any plan or design for any memorial which, on account of size, design, inscription, kind or quality of stone is in the opinion of the Cemetery Supervisor unsuited to the lot on which it is to be placed. The Cemetery Supervisor reserves the right to stop all work of any nature, whenever, in his opinion, proper preparations therefore have not been made or when tools and machinery are insufficient or defective; or when work is being executed in such a manner as to threaten life or property; or when the monument dealer has been guilty of misrepresentation; or when any reasonable request on the part of the Cemetery Supervisor is disregarded; or when work is not being executed according to specifications; or when any person employed on the work violates any rule of the Cemetery.

The completed work is subject to the approval of the Cemetery Supervisor, and, if unsatisfactory, it may be removed by the Cemetery Supervisor. The cost of such removal shall be reimbursed by the Monument Company. The name or inscription on each monument, vault or marker must correspond with the name and record in the office of the Cemetery and no charges shall be made thereon except upon request of the owner and by permission of the Cemetery Supervisor. Duplication of the design of any memorial shall not be permitted in a location sufficiently near to the original that the duplication is readily noticeable. All die stones shall be finished on at least the front and back. No memorial showing drill or tool marks, or staining from removal of rubber mat used for



sand engraving shall be considered as first grade workmanship. Only monumental staining materials accepted by the Monument Builders of North America shall be used to color letters or other parts of the stone. All other coloring, painting, enameling, lacquering, or bronzing of letters or other parts of stone is strictly prohibited. Coloring or painting of foundations is prohibited.

Section 5. Materials. Artificial stone of any description shall not be permitted. The use of bronze is approved for tablets when attached to monuments or markers of natural stone provided the bronze has been cast from the alloy containing not less than 85% copper nor more than 5% lead, and purchased from an approved dealer. Suppliers shall be required to certify as to the analysis of the bronze. No other metals are approved for such use unless they are substantially non-corrosive and are of proven permanency.

Veterans bronze tablets may be set in finished concrete when placed flush with the ground.

Section 6. Foundations. Foundations for all monuments in Section F will be poured by the Fairview Cemetery.

The Fairview Cemetery and its staff reserve the right to pour only enough foundations to accommodate the need for monument settings. The Fairview Cemetery assumes liability for the structural integrity of all foundations poured by the City of Scottsbluff in Section F.

The City of Scottsbluff also reserves the right to place marker numbers in the concrete foundations at the time of construction.

Any damage to the foundation caused by the setting of the monument or vault shall be the sole responsibility of the monument or vault company.

Section 7. Miscellaneous. Should any memorial become unsightly, dilapidated, or a menace to visitors, the Cemetery Supervisor shall have the right either to correct the condition or to remove the same at the expense of the lot owners. No monument or marker shall be removed from the Cemetery, except by the City, unless the written order of the plot owner be presented at the office of the Cemetery Supervisor and permission be granted.

In flat sections only, recessed vases will be allowed at each end as a part of the monument foundation. Flower vases must be of a type approved by the sexton and which will lock securely and be flush with the concrete when not in use. All flower vases must maintain the five-inch collar in the ends of the foundation. Adequate provision shall be made for drainage in the vases. The City will not be liable for vases cracked because of poor drainage.

#### **ARTICLE 15 - EXCEPTIONS AND MODIFICATIONS**

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City therefore reserves the right without notice to make exceptions, or modifications in any of these rules and regulations which in the judgment of the Director the same appear

advisable, and such temporary exception, suspension, or modification shall in no way be construed as affecting the general application of such rule.