

City of Leeton Mineral Creek Cemetery Cemetery & Burials Policies & Procedures

Table of Contents

<i>Cemetery & Burials Policies & Procedures</i>	1
Section 1. Definitions	2
Section 2. Creation; Establishment	2
Section 3. Authority of Board of Aldermen to Make Rules and Regulations	2
Section 4. Subdivision of Cemetery	3
Section 5. Schedule of Charges	3
Section 6. Sale of Lots; Right of Interment	3
Section 7. Transfer or Assignments of Lots of Burial Spaces	3
Section 8. Burials	3
Section 9. Interment	3
Section 10. Disinterment	3
Section 11. Monuments and Markers	4
Section 12. Entrance	4
Section 13. Decoration of Lots	5
Section 14. Certificate of Title; Sole Agreement	5
Section 15. Waiver/Immunity	5
Section 16. Prices, Records and Permits	6
Section 17. Funerals and Interments	6
Section 18. Conduct of Persons within the Cemetery	6
Section 19. Exceptions and Modifications	7
Section 20. Amendments	8
Section 21. Penalty	8
Section 22. Nonconforming Conditions	8
Section 23. Reporting Guidelines	8

Section 1. DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BURIAL SPACE. A single space within a platted lot designed for the interment of one body, or one body with cremation, or one or two cremated bodies.

CEMETERY. A burial park for earth interments, as authorized in Missouri Statutes. Whenever the word CEMETERY appears, it shall be construed to mean Mineral Creek Cemetery.

CITY. The City of Leeton, Missouri.

GRAVES. A burial space.

LOT. A platted lot within the cemetery and may consist of more than one burial space.

LOT OR PLOT OWNER. The person who is listed as the recorded owner in the City's records of a lot or plot at the cemetery, or that person's personal representative, agent, relative or heir as shall be provided to the City from time to time.

MONUMENT. The term MONUMENT shall designate a monument, marker, tablet or headstone for a family or individual, constructed of granite, standard bronze, marble, or like material.

OUTER BURIAL CONTAINER. An enclosure into which a casket is placed and includes vaults made of concrete, steel, fiberglass, or copper, sectional concrete enclosures and crypts, or containers of equal material.

Section 2. CREATION; ESTABLISHMENT

- A. The City of Leeton maintains a municipally owned cemetery known as Mineral Creek Cemetery. Supervision and control of the operation and the sale and care of the lots rests with the Board of Aldermen who shall establish the rules and regulations governing the maintenance, care and control of the cemetery.
- B. Since the cemetery is the property of the City, all applications for lot sales shall be made to the City Clerk, who is authorized to make sales of lots for the City. The City Clerk will exhibit the plat of the cemetery ground and schedule of prices of lots therein and will grant an interment permit upon full payment of the purchase price. Upon payment to the City representative of the purchase price of any lot the Mayor and City Clerk shall execute and deliver proper rights of interment.

Section 3. AUTHORITY OF BOARD OF ALDERMEN TO MAKE RULES AND REGULATIONS

- A. The Board of Aldermen is authorized to adopt rules and regulations for the operation of cemeteries, a copy of which shall be maintained in the office of the City Clerk.

Section 4. SUBDIVISION OF CEMETERY

- A. The Board of Aldermen shall have sole authority to subdivide the cemetery into blocks, lots, grave spaces and streets and to determine the dimensions and location of each.

Section 5. SCHEDULE OF CHARGES

- A. The Board of Aldermen shall establish a schedule of fees and charges for services provided at the cemetery.

Section 6. SALE OF LOTS; RIGHT OF INTERMENT

- A. *Sale of lots.* The Board of Aldermen shall establish the price at which lots of burial spaces in the cemetery are sold.
- B. *Number of lots.* No person, firm, entity, company or other business entity shall purchase and be record titleholder of more than eight lots.
- C. *Payments.* All payments for the sale of lots or grave spaces and all related service charges shall be payable to the City.
- D. *Right of Interment.* Upon payment to the City of the purchase price of any lot, the City shall execute and deliver cemetery right of interment. All records of burials, lots (sold and unsold) and burial spaces shall be kept in the City Clerk's office.

Section 7. TRANSFER OR ASSIGNMENTS OF LOTS OF BURIAL SPACES

- A. If for any reason it becomes necessary for any lot owner to dispose of his/her interest in or title to his/her cemetery lot, he/she may make a written request to the City for repurchase of his/her interest in or title to such lot by the City, which may elect to repurchase the lot at the price it was originally purchased. A transfer to any third party is ineffective until registered with and approved by the City in writing.

Section 8. BURIALS

- A. All burials in The Cemetery shall require a casket or urn to be placed in outer burial containers. Grave openings and closings will be established and approved by the City, to be completed at the expense of the person requesting the opening or closing either by the City at an established rate, or by a Contractor approved by the City.

Section 9. INTERMENT

- A. No interment, burial, or other disposition of any remains shall occur unless all rules and regulations have been met, and all documentation is completed.

Section 10. DISINTERMENT

- A. No disinterment of a body will be made without written permission from a person having authority to permit the same. This process must go through an approved vendor. Disinterment regulations are subject to governing laws.

Section 11. MONUMENTS AND MARKERS

- A. All persons erecting monuments or other structures, or doing work of whatsoever kind, will not be permitted to scatter materials or debris over adjoining lots or leave the same on the ground longer than is necessary. They shall be required to set their work or complete their labors as soon as possible after entering the cemetery, and remove debris at once, under the instruction and the direction of the City. In the event of a failure to remove debris, the City will remove such debris at the expense of the lot owner or contractor, who shall be jointly and severally responsible.
- B. Private contracting firms will be held responsible for any damage done by them to other monuments, grass, trees or any objects whatsoever in the cemetery, and shall at all times be subject to the control and direction of designated City staff.
- C. Private contracting firms and others are prohibited from placing their names on any work or signs with a view of advertising within the limits of the cemetery.
- D. All private contractors agree to set monuments in conformity with cemetery requirements and in accordance with the standards and practice of its trade. Requests for monument installation must be provided to the City at least 48 hours prior to installation. All monument installation policies must be adhered to by the private contractor installing the monument.
- E. While the City will exercise ordinary care to protect raised lettering, carving or ornaments on any memorial or other structure on any lot in the cemetery, it disclaims responsibility for any injury thereto.
- F. The use of glass, tiles, bricks, gravel, crushed rock, oyster shells, cinders or other material on any lot in the cemetery is strictly forbidden. In the event that such items are used, they may be removed by the City without notice to the lot owner.
- G. The bottom of every stone should be dressed to an even level bed so that it will stand plumb, resting firmly and level on foundation and must be made of concrete. All joints shall be sealed against moisture and with non-staining material.
- H. Monuments on lots are not restricted as to style but should harmonize with the size of the lot and shall not be any higher than 5 feet without prior approval of the City. Monuments shall not be any wider than the width of a single site unless multiple sites are consecutively purchased. Monuments cannot exceed their lot area(s).
- I. No permanent monuments or grave markers will be admitted in the cemetery when made of wood, iron, plaster of paris, cement, limestone, soapstone, artificial stone, slate or metal composition. All monuments shall be constructed of granite, standard bronze, marble or like material and set upon bases are required.
- J. No employee of the City shall be permitted to solicit orders or receive any compensation whatever for the sale of monuments to the owners of lots.
- K. Any furnishings or structures that are deemed unsafe or interfere with grass cutting or maintenance operations by the designated City staff shall be removed after prior notice is given or attempted to be given to the owner. Notice will be provided by first class mail and sent to the last known address on record of the plot owner. It is the responsibility of the plot owner or his or her heirs to notify the City of any address changes for the owner.

Section 12. ENTRANCE

- A. Entrance into the cemetery except through the gate openings is strictly forbidden.

Section 13. DECORATION OF LOTS

- A. Artificial or fresh cut flowers may be placed in a vase at any time. However, they will be discarded when dead, faded, broken or anything of a similar nature at the discretion of the City. Glass containers are strictly prohibited and will be removed immediately without notice.
- B. Sprays and wreaths made from fresh cut flowers will be allowed for a period of two weeks, or if in the designated City staff opinion, when they become unsightly or detrimental.
- C. Memorial Day decorations and flowers on the ground will be removed by June 15.
- D. Shrubs, trees, in-ground flower, plants, and bushes of any kind are not allowed.
- E. Decorations may be placed in the area that a monument would be located to not cover more than the width of the lot, no more than 12 inches from the head of the lot, and no higher than 2 feet. Upon placement of a monument on the lot, items shall not be placed more that 10" from the monument and not to exceed the width of the monument in length. Height of decorations will not exceed the monument height, except for floral decorations placed to the top of monument. The City reserves the right without notice to prohibit or remove any articles that are not within this designated plot area.
- F. Maintenance of the decorated areas shall be by the lot owner. In the event of non-compliance, the owner will be notified of the necessary actions required by first class mail or via email if available. Notice shall be sent to the last known address on record of the plot owner and it is the responsibility of the said plot owner to notify the City of any address changes to the owner.
- G. The City shall not be held liable for any placed items that are lost, misplaced or broken, or for damage by the elements, thieves, vandals, or by causes beyond its control. The City reserves the right to regulate the method of decorating lots and the right to remove any decoration so that uniformity and beauty may be maintained. Any furnishings or structures that are deemed unsafe or interfere with grass cutting or maintenance operations by the designated City staff shall be removed after prior notice is given or attempted to be given to the owner. Notice will be attempted by first class mail and sent to the last known address on record of the plot owner. It is the responsibility of the plot owner to notify the City of their current address.
- H. The City reserves the right without notice to prohibit or remove any articles that may be considered objectionable. This includes items that are considered obscene, indecent, offensive, sexually explicit, endorses violence or advocates or symbolizes discrimination of sex, race, ethnicity or national origin.

Section 14. CERTIFICATE OF TITLE; SOLE AGREEMENT

- A. The certificate reflecting a right of interment of the lot and these rules and regulations and any amendments thereto shall be the sole agreement by and between the City and the lot owner.

Section 15. WAIVER/IMMUNITY

- A. All lot owners agree to indemnify and hold the City, its officers, employees, agents, and independent contractors, harmless from any cost, damages, fines, penalties and expenses which may arise from the use of the cemetery premises or on account of damages to personal property or injury or death of any person, resulting from the use of or maintenance of cemetery premises, including the work, acts or omissions of its officers, agents, employees, contractors, subcontractors, or operators. All lot owners'

acceptance and recording of the right of interments waive any right to sue the City for any negligence, nonfeasance, misfeasance or malfeasance.

Section 16. PRICES, RECORDS AND PERMITS

- A. Prices of lots will be available at the office of the City Clerk and subject to change by the Board of Aldermen. Records of all burials, sold and unsold lots, and grave spaces shall be kept at City Hall.
- B. Designated City staff or persons in charge of any premises in which interments are made shall verify through the approved vendor the proper documents and will record the pertinent information. Designated City staff shall fill in the date of interment, name of cemetery, lot, block, section number and spaces in which interment was made in the City Record Log Book.
- C. No interments shall be made until all the information necessary to complete the records of the City shall have been furnished to the City representative.
- D. When designating the location of the graves on a lot, the owners or representatives shall confer with the City and designate exactly where the grave is to be made so there will be no misunderstanding as to the location, and the City shall make a proper record in the interment register. The City is not liable for graves that are not properly located by the owner or representatives and any change in location will be at the expense of the lot owner.

Section 17. FUNERALS AND INTERMENTS

- A. On arrival at the cemetery, all funerals shall be under the direction of the designated City staff. When two funerals arrive at the cemetery at the same time, the funeral in advance shall have precedence in entering the cemetery. No funeral will be permitted to begin in the cemetery after 4:00 p.m., unless approved by City. The cemetery workers shall suspend their labors within the immediate vicinity of a funeral until the conclusion of all services.
- B. The City reserves the right to require at least ten days' notice prior to disinterment. No disinterment will be made on any Sunday, or legal holiday or on the day upon which any holiday is legally observed. All disinterments shall be done at the convenience of the cemetery.
- C. Removal by the heirs of a body so that the lot or burial space may be sold for profit to themselves or to any other persons or removal contrary to the expressed or implied wish of the original lot or burial space owner is prohibited.
- D. No disinterment of a body will be made without written permission from some person having authority to permit same. All disinterments must go through an approved vendor.

Section 18. CONDUCT OF PERSONS WITHIN THE CEMETERY

- A. The cemetery grounds will be open at sunrise and close at sunset, or 7:00PM, whichever is later, including weekends and holidays.
- B. The City is hereby expressly empowered to enforce these rules and regulations, and to exclude from the cemetery property any person violating the same. The City shall have complete charge of the cemetery grounds and buildings, and at all times shall have supervision of all persons within the cemetery, including the conduct of funerals, traffic, employees, lot owners and visitors.
- C. Employees within the cemetery shall conduct themselves with decorum at all times and with strict accordance with these rules and regulations. This applies to all contractual

workers and City approved vendors, as well as those persons directly employed by the City.

- D. Persons within the cemetery grounds shall use only the roads, drives or walks as thoroughfares and no person shall walk on the grass except that being the only way to reach a lot, or except that a workman may use that space necessary to perform the necessary care or services in connection with the lot. Any person while on any portion of the cemetery other than the roads drives or walks are hereby declared trespassers and shall in no way hold the City liable for injury sustained. Visitors should remain respectful and refrain from walking on occupied plots.
- E. Children under 13 years of age shall not be permitted within the cemetery or its buildings, unless accompanied by the proper persons to care for them.
- F. All persons are forbidden from gathering flowers, either wild or cultivated, or breaking trees, shrubs or plants.
- G. No person shall be permitted to sit on monuments within the cemetery or in any of the cemetery buildings. No person shall be permitted to climb on any fencing, trees or monuments.
- H. Visitors are welcome on the cemetery grounds during regular hours.
- I. Disposing of debris on any part of the grounds or buildings is prohibited. Debris is to be disposed of properly in waste containers provided by the City.
- J. Automobiles shall not be driven through the cemetery at a speed greater than five miles per hour.
- K. Peddling of flowers or plants, or soliciting the sale of any commodity, is absolutely prohibited within the confines of the cemetery.
- L. No firearms shall be permitted within the cemetery, except as a military funeral or similar occasion and by a police officer.
- M. No signs or notices of advertisements of any kind shall be permitted within the cemetery.
- N. Except for impairment assisting dogs or certified service dogs, no dogs shall be allowed in the cemetery grounds or in any cemetery buildings. The owner or keeper of any dog which trespasses upon the cemetery grounds shall be liable for any damage done by dogs or other animals and the City does not assume responsibility for keeping dogs or other animals out of the cemetery grounds.
- O. The cemetery grounds will be open as posted.
- P. Designated City staff is hereby expressly empowered to enforce these rules and regulations, and to exclude from the cemetery property any person violating the same. Designated City staff shall have complete charge of the cemetery grounds and buildings, and at all times shall have supervision of all persons within the cemetery, including the conduct of funerals, traffic, employees, lot owners and visitors.
- Q. Employees within the cemetery shall always conduct themselves with decorum and with strict accordance with these rules and regulations. This applies to outside workers, stone masons, florists, and the like, as well as to those persons directly employed by the City.

Section 19. EXCEPTIONS AND MODIFICATIONS

- A. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Board of Aldermen, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these rules and regulations when, in its judgments, the same appear advisable, and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application or enforcement of such rule or regulations.

Section 20. AMENDMENTS

- A. The City may, and it expressly reserves the right, at any time or times to adopt new rules and regulations, to amend, alter and/or repeal any rule, regulation and/or section, paragraph and/or sentence in this subchapter's rules and regulations.

Section 21. PENALTY

- A. Any person, firm or corporation violating the provisions of this chapter shall be punished for an ordinance violation.

Section 22. NONCONFORMING CONDITIONS

- A. To the extent applicable, items that have been permitted in the cemetery prior to the adoption of these rules and regulations may be given nonconforming status and allowed to remain unless they are deemed unsafe or interfere with grass cutting or maintenance operations by the designated City staff.

Section 23. REPORTING GUIDELINES

- A. Lot owners are to report any concerns, to include loss of items at the cemetery to the authorized legal authority.