

Chapter 8.15

CEMETERY RATES, RULES AND REGULATIONS

Sections:

- 8.15.010 Purpose.
- 8.15.020 History.
- 8.15.030 Definition of terms.
- 8.15.040 Cemetery names.
- 8.15.050 Cemetery plat and records for New City Cemetery and the Roslyn Memorial Gardens.
- 8.15.060 Cemetery plat and records for all other cemeteries.
- 8.15.070 Cemetery sexton.
- 8.15.080 Cemetery commission.
- 8.15.090 General regulations.
- 8.15.100 Penalties.
- 8.15.110 Burials in the Old City, New City or Roslyn Memorial Gardens Cemeteries.
- 8.15.120 Burials in city-owned lodge cemeteries.
- 8.15.130 Exhumations.
- 8.15.140 Headstones, monuments, markers, graves, etc.
- 8.15.150 Cemetery charges and fees for the Old City, New City, Roslyn Memorial Gardens and other city-owned cemeteries.
- 8.15.160 Cemetery funds^[CoR1].
- 8.15.170 Deeds or certificates of ownership.
- 8.15.180 Liability of city.
- 8.15.190 Books of account – Audit.
- 8.15.200 Grave digger.
- 8.15.210 Assistant sextons for city-owned lodge cemeteries.
- 8.15.220 Private cemeteries.
- 8.15.230 Maintenance of cemeteries.
- 8.15.240 Cemetery policies and plans.
- 8.15.250 Historic significance and preservation of Roslyn cemeteries.

8.15.010 Purpose.

The Roslyn cemeteries are unique among the cemeteries of the state of Washington. As such, the city of Roslyn desires to protect and preserve the historic, cultural, sociologic, and archaeological^[CoR2] significance and character of the Roslyn cemeteries.

The city also desires to maintain the separate identity and integrity of each of the various cemeteries. The city further desires that the primary purpose of the Roslyn cemeteries continue to be a place of burial and commemoration of the hallowed grounds of the ^[CoR3]dead and not for the profits of commercial enterprises^{[CoR4],[CoR5]}. The city intends that the Roslyn Municipal Code be utilized to provide direction in meeting these goals. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999.]

8.15.020 History.

The development of the Roslyn cemeteries began prior to Roslyn's incorporation in 1889. These cemeteries were operated with the permission of the Northern Pacific Coal Company, later the Northwestern Improvement Company (NWI). Originally, there was one general cemetery (now known as the Old City). Blacks were excluded from the original cemetery and were buried in an adjoining piece of ground. As fraternal organizations came into being, fraternal cemeteries were also developed as distinct and separate cemeteries. In 1926, the city was deeded the land that encompassed all then-existing cemeteries, except the Masonic Cemetery, which was deeded to the lodge directly from NWI. Enough land was deeded at this time to cover some expansion. Subsequent to that deed, four cemeteries have been deeded by the city to individual organizations. These are Oddfellows, Old Knights of Pythias, New Knights of Pythias, and Veteran Cemeteries. The city has also subsequently added two cemeteries, the New City and Roslyn Memorial Gardens. The Roslyn Memorial Gardens was situated on a piece of land acquired by the city after the 1926 deed. Given this line of development, the only cemeteries for which the city maintains records are the New City and Roslyn Memorials Gardens, only the Roslyn Memorial Gardens has perpetual care. Many of the fraternal organizations [SG6]have now been disbanded for many years. Families and other volunteers currently do most of the cleaning and maintenance in the Roslyn cemeteries. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999.]

8.15.030 Definition of terms.

The following words or phrases shall have the meanings set forth for the purposes of this chapter:

A. "Roslyn cemetery" or "Roslyn cemeteries" shall mean all cemeteries, both public and private, located within the Roslyn city limits.

B. "City cemeteries" shall mean all cemeteries owned by the city of Roslyn.

C. "Lodge cemeteries" shall mean all cemeteries organized by or affiliated with fraternal organizations or other social groups. This designation applies even if the organization no longer exists on a local, state or national level. This designation shall also include the Black Miners' Cemetery.

D. "Structural changes" shall mean any repair, removal or establishment of any curbing, structures, grave stones, plaques, effigies, statues, any other markers, or fencing located in or about the cemeteries. It shall also include any use of cement or concrete.

E. "Curbing" shall mean any constructed border and/or interior of a grave or lot, however marked, including, but not limited to, cement, concrete, stones, wood, or other material.

F. "Maintenance" shall mean the routine cleaning of cemetery areas. This shall include grass mowing, trimming, weeding, raking, or the cleaning of marble chips, lava rock, or cinder rock. Maintenance shall not include any structural changes.[SG7]

G. "Family" shall mean all blood relatives of the decedent or the individual interred. This shall include those related by adoption.[SG8]

H. "Existing improved or established plot" shall mean a grave space that is surrounded by curbing or is marked with a headstone. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999.]

8.15.040 Cemetery names.

The current individual cemeteries that lie within the Roslyn city limits are as follows: Old City Cemetery, New City Cemetery, Roslyn Memorial Gardens, Mt. Olivet (Black Miners' Cemetery), Old Knights of Pythias, New Knights of Pythias, Oddfellows, Foresters, Redmen, Dr. Starcevich No. 1, Dr. Starcevich No. 2, Slovak, Serbian/Russian Orthodox, St. Barbara, Masonic, Sokal, Eagles, Lithuanian, Polish, Veterans, Moose, Silvio, Pelico, Cacciatori d'Africa, Druids, and Paupers.[SG9] These names are for designation purposes only and are not intended to imply ownership to any organization. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 540 § 1, 1977.]

8.15.050 Cemetery plat and records for New City Cemetery and the Roslyn Memorial Gardens.

There shall be kept in the office of the city clerk an accurate and permanent record of the ownership of lots in the New City Cemetery and the Roslyn Memorial Gardens and the status of such lots, showing all transfers of lots, the names and addresses of the owners, the lots in which interments have been made and the names of the persons interred, and such other information as may be deemed advisable. The cemetery sexton shall keep in his or her records a plat or plats, accurate and up to date, of the New City and Roslyn Memorial Gardens. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 540 § 2, 1977.]

8.15.060 Cemetery plat and records for all other cemeteries.

The cemetery sexton in the office of the city clerk shall begin to keep records of all burials for all other city cemeteries occurring after the effective date of the ordinance codified in this chapter. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999.]

8.15.070 Cemetery sexton.

A. The direction of funerals, while within the cemetery, and the care and maintenance of the cemetery shall be under the supervision of the cemetery sexton, together with the police force of the city and such other persons as may be designated by the city, all of whom shall maintain order, and enforce the cemetery rules and regulations and the laws of the state of Washington and the ordinances of the city of Roslyn within the cemetery and within such radius as may be necessary to protect the cemetery property. Further duties of the cemetery sexton shall include:

1. Contact funeral home to coordinate schedule.
2. Hire, notify, and supervise digger for all city-owned cemeteries.
3. Notify city crew if plowing and/or sanding is necessary.
4. Release retainer for grave digger. Obtain approval from assistant sexton for release of retainer[CoR10].[CoR11]
5. Field any discussions between any city employee and digger.
6. See to any repairs needed to cemetery as a result of an interment.
7. Allow vehicles into the cemeteries as necessary for interment.

[CoR12][CoR13]

B. The cemetery sexton shall be designated by the mayor to be either the city clerk or the city treasurer. The compensation to be paid for such services shall be determined by the city council.

C. All decisions by the sexton under this chapter are appealable to the city council. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 540 § 3, 1977.]

8.15.080 Cemetery commission.

A. There is hereby created a cemetery commission (hereinafter referred to in this chapter as “commission”) to oversee the management of and coordinate all activities in Roslyn cemeteries, including but not limited to [CoR14]:[CoR15]

1. Activities under this ordinance would include cultural, seasonal, religious, educational, and memorials of any kind.
2. Any work planned for the cemeteries including road repair, kiosks, signage, and competitive activities of any kind.

In this regard the Commission is solely responsible and answerable to the Mayor and Roslyn City Council.

It is intended that this be a cooperative effort between the city, the cemetery commission, and the lodge cemeteries. [CoR16][CoR17]

B. The commission shall consist of seven members. Each member shall be appointed by the mayor for five-year terms. No person holding any city office shall be a member of the cemetery commission. [AM18]The original terms shall be as follows:[CoR19]

Position 1: Vacant – original term expires on December 31, 2014[CoR20]

Position 2: James Barich – original term expires on December 31, 2014

Position 3: Virginia Craven – original term expires on December 31, 2014

Position 4: Teresa Kloss – original term expires on December 31, 2015[CoR21]

Position 5: Connie Wanechek – original term expires on December 31, 2015

Position 6: Richard Watts – original term expires on December 31, 2015

Position 7: James Ash – original term expires on December 31, 2016[AM22]
[CoR23]

C. The cemetery commission shall elect its own presiding officer. The commission shall hold at least two regular meetings each year, the dates of which are to be determined by the commission, and special meetings may be called at any time by the commission chairman or the mayor. It shall adopt rules for the transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations, which record shall be a public record.

D. The duties of the commission shall be to:

1. Review all applications for assistant sextons pursuant to the requirements of RMC 8.15.210 and forward recommendations for assistant sextons to the mayor for appointment;
2. Review and approve all applications for structural changes within Roslyn cemeteries;

- 3. Review other cemetery issues as requested by the mayor or city council;
- 4. Keep records as required by this chapter and forward all records to the city clerk;
- 5. Communicate all commission actions to the city council.

E. The presence of the majority of the membership shall constitute a quorum. A quorum shall be required to start a meeting or conduct any commission business.

F. All decisions by the cemetery commission made pursuant to the provisions of this chapter may be appealed to the Roslyn city council.

G. No commission member may profit directly or indirectly from their position or from cemetery-related activities.

H. Members of the commission may be removed by the mayor at will. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999.]

8.15.090 General regulations.

A. The rules and regulations set out in this chapter and subsequent chapters and as determined by motion or resolution of the city council shall govern all cemeteries now owned or hereafter acquired by the city of Roslyn. The city expressly reserves the right to make from time to time such additional rules and regulations as may be deemed desirable in the public interest.

B. No tree, shrub or plant shall be planted, placed or kept on any lot or in any other part of the cemeteries except in areas designated by the cemetery commission for planting or keeping thereof, and any tree, shrub or plant planted or kept or maintained in violation hereof shall be summarily removed by the sexton with such other city help as is necessary, and the cost of removal shall be paid by the offending person or persons. [SG24]

C. No monument, structure, effigy, inscription, sign, or placard shall be placed, kept or maintained upon any lot or any other cemetery area except as specifically authorized by the ordinances, rules and regulations of the city, and if anything is placed or kept or maintained in violation thereof, the sexton shall, with such other city help as is necessary, summarily remove the same, and the cost of removal shall be paid by the offending person or persons.

D. In the Roslyn Memorial Gardens, no fences of any kind, and no coping or curbing of any kind, and no other monuments, stones, signs[SG25], objects or things of any kind projecting above the surface of the ground will be permitted, except as specifically authorized by the ordinances, rules and regulations of the Mayor or his/her designee.[SG26]

E. Heavily loaded vehicles, including commercial buses,[CoR27] and other heavy or sharp objects or things which will mark, damage or tear up the ground shall not be allowed within the cemetery areas or on the roads within the cemetery complex[CoR28][AM29] without written permission of the sexton.

F. Every person entering any city cemetery shall be responsible for all damages done by that person or by any vehicle, person, animal or thing in that person's charge.

G. No animal shall be taken into or allowed to enter any cemetery area.

H. Any person disturbing the quiet or good order of the cemetery by noises or disorderly or improper conduct, or who shall violate any of the rules or regulations pertaining to the cemeteries, will be ejected from the cemeteries.

I. No vehicle shall: (1) be driven in any part of the cemeteries except on the driveways laid out for that purpose or on unimproved property; (2) be driven in the cemeteries at a speed exceeding 15 miles per hour; (3) be driven or parked in the cemeteries between dusk and dawn each day, except law enforcement vehicles or city maintenance vehicles.

J. Signs and advertisements of every description are strictly prohibited in the city cemeteries, except as necessary for cemetery regulations by the city.

[CoR30][CoR31][CoR32]

K. No person other than law enforcement officers, city maintenance workers, Cemetery Sextons, or assistant sextons [CoR33] shall be in any part of the Roslyn city cemeteries one-half hour after sunset and one-half hour before sunrise each day.[AM34]

L.[CoR35] The Cemetery Design Standards as adopted by the Roslyn City Council, and amended from time to time by Resolution[CoR36], shall also apply to all graves and cemeteries including both city owned and privately owned cemeteries. [CoR37] ~~Unless an exception is deemed appropriate by the Cemetery Commission.[CoR38]~~[SG39][[CoR40]Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 816, 1996; Ord. 540 § 1, 1977.]

8.15.100 Penalties.

A. The following acts are prohibited, and every person will be prosecuted to the fullest extent of the law, [CoR41]who unlawfully or without right willfully does any of the following:[CoR42]

1. Destroys, cuts, mutilates, effaces, or otherwise injures, tears down or removes any tomb, plot, monument, memorial, or marker in the Roslyn cemeteries, or any gate, door fence, wall, post or railing, or any enclosure for the protection of the cemeteries or any property therein.

2. Destroys, cuts, breaks, removes or injures any building, statuary, ornamentation, tree, shrub, flower or plant within the cemeteries.

3. Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment.

B. Any person found guilty of violating any other provision of this chapter shall be guilty of a gross misdemeanor which is punishable by no more than one year imprisonment or a \$5,000 fine or both.

C. The foregoing provisions do not apply to the removal or unavoidable breakage or injury, by the city or its agent or employees, of any thing placed in or upon any portion of the city cemeteries in violation of any of the rules and regulations of the city, nor to the removal of any thing placed in the cemeteries by or with the consent of the city which has become wrecked, unsightly [AM43]or is in [SG44]

D. Any person violating any provision of this chapter is liable in a civil action to the city or other proper cemetery authority to pay all damages occasioned by his unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 540 § 5, 1977.]

8.15.110 Burials in the Old City, New City or Roslyn Memorial Gardens Cemeteries.

A. No burial shall be allowed or made in any lot for which the city has not been paid the full purchase price prior to interment.

B. Lots are sold for the purpose of burial of the human dead only.

C. Lots may be purchased at the office of the city clerk.

D. No burial will be permitted in the cemeteries without a proper burial permit as required by the laws of the state of Washington.

E. No burial will be permitted in the cemeteries without written permit from the city clerk or cemetery sexton. At the time permission is requested, the name, age, place and date of birth, place and date of death, race (optional), sex and last address of the person to be interred shall be given to the city clerk or cemetery sexton.

F. A record shall be kept of all remains buried. In each case, the date of burial and the name and address of the funeral director, in addition to the information mentioned above, shall be kept as part of the record of burial.

G. On the death of any owner of a lot, or lots, in the cemeteries, the heirs, assignees or devisees of such decedent must furnish to the city satisfactory proof of ownership of any such lot or lots, before further burials can be made.

H. No transfer of any lot or any interest therein will be valid without the consent of the city being first had and endorsed upon such transfer, and a record thereof entered on the books of the city.

I. Within the cemetery areas, all funerals will be subject to control and direction of the sexton. All interments must be made under the direction of the sexton, who will have the entire control of the digging of graves and all other matters relating to burials.

J. In the Roslyn Memorial Gardens, no graves shall be dug less than six inches from the boundary line of the lot, and graves on lots shall be so arranged as not to present a crowded or irregular appearance. Mounds over new graves must be kept low, not over five inches in height. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 540 § 6, 1977.]

8.15.120 Burials in city-owned lodge cemeteries.

A. Burial plots are for the purpose of burial of the human dead only.

B. No burial will be permitted without a proper burial permit as required by the laws of the state of Washington.

C. No burial will be permitted without a written permit from the assistant sexton and the cemetery sexton. At the time permission is requested, the name, age, place and date of birth, place and date of death, race (optional), sex, and last address of the person to be interred shall be given to the assistant sexton and forwarded to the city sexton. Information of how the person to be interred meets the requirements of subsection E of this section shall also be given to the assistant sexton and forwarded to the cemetery sexton.

D. A record shall be kept of all remains buried. In each case, the date of burial and the name and address of the mortuary, in addition to the information required above, shall be kept as part of the record of burial.

E. All burials in city-owned lodge cemeteries shall comply with the following in order to ensure said cemeteries' historical integrity. All persons buried must be:

1. A member of the local lodge if it is still active; or
2. A member the national lodge that included the now disbanded local lodge, provided they were a member in good standing of the disbanded local lodge[CoR45]; or
3. A family member of a person already interred in said cemetery. [Ord. 970 § 1, 2005.]

8.15.130 Exhumations. [CoR46]

No exhumation will be allowed without a written permit from the registrar of the district in which the city cemeteries are located and without the written permission of the city of Roslyn and of the lot owner or his heirs or assignees and of the nearest kin to the deceased[AM47], and all such exhumations shall be under the direction and supervision of the cemetery sexton, except that disinterment[CoR48] will be allowed when made pursuant to an order of a court of record, in which case receipts for the remains must be given. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 540 § 7, 1977.]

8.15.140 Headstones, monuments, markers, graves, etc.

A. In order to secure the best general appearances, the city requires that all planting and keeping of plants in the cemeteries shall be done under the permission and direction of the cemetery sexton, or the assistant sexton when appropriate, with his or her approval and in such places only as he or she may designate pursuant to such plan.

B. No lot in the Roslyn Memorial Gardens shall be raised above the contour of the surrounding grade of the cemetery grounds, as established. To ensure the proper development of the grounds, the grade of lots will be determined by the cemetery commission.

C. No monument company nor any other person or entity, including but not restricted to relatives of persons buried in the city cemeteries, shall place any grave marker or monument on any grave or any other point in the city cemeteries without first obtaining a permit from the cemetery commission permitting the placement of such grave marker or monument.

D. If anyone wishes to place a bench, fountain, tree, shrub, or other suitable material in the cemetery, that may be done only with the permission of the cemetery commission, and the cemetery commission shall decide where the same is to be located.

E. The city reserves the right to exclude or remove from any lot or other cemetery area any headstone, monument, curbing, slab, or other structure, street, plant or any object whatever which may conflict with the regulations of the cemeteries, or which the city may consider injurious to the general appearance of the grounds.

F. The cemetery commission reserves the right in city-owned cemeteries to lay out, alter or vacate avenues or walks, to establish the grades of avenues, walks and lots, and to change these rules and regulations in such manner as may be deemed requisite and proper by the city to secure and promote the general

objectives and best interests and appearance of the cemeteries. A public hearing for such actions before the cemetery commission is required.

G. In the Roslyn Memorial Gardens, all flat and/or foot markers or upright monuments shall be located at the head of each grave space or plot and such installation shall be at the expense of the lot owner. A four- to eight-inch border, three inches in thickness, composed of concrete, shall be poured at the base of each upright monument, and the top of this border shall be flush with the cemetery grade level as established by the city. All flat markers shall be flush with the ground.

H. No materials used in or resulting from grave or lot work or improvement thereof shall be allowed to remain in the city cemeteries longer than shall be strictly necessary, and all refuse and unused materials must be removed immediately upon completion of the work or improvement, and in no case longer than shall be strictly necessary. In case of neglect, such items will be removed by the city at the expense of the lot owner.

I. In the Roslyn Memorial Gardens, grave spaces for adult burial shall be not less than three and one-half feet in width and nine feet in length. Grave spaces for infants shall be not less than three and one-half feet in width and five feet in length. Infant burials requiring a grave space exceeding three and one-half feet by five feet shall be considered adult burials, and adult interment space shall be used.

J. Grave^[CoR49] liners or vaults are mandatory for all full body burials except when in conflict with religious beliefs.^{[CoR50][CoR51]}

K. In the Roslyn Memorial Gardens, all containers used for the holding of flowers shall be of reversible nature so that when empty they may be recessed to ground level. All containers recessed in the ground without vase shall be required to have a steel lid attached by chain to cover the recess. The sexton shall be notified of such installation prior thereto. The city reserves the right to remove any such installation that does not conform to the city's rules and regulations governing the same or which in any way impair or impede the care and maintenance of the cemeteries by the city.

L. All temporary markers shall be removed from grave spaces within 30 days after interment has been made. Grave spaces thereafter shall be marked only by permanent-type markers as hereinabove described.

M. Any structural changes occurring in the city cemeteries shall be done only after submitting in writing an application to the cemetery commission of what work is being planned. The cemetery commission may require a drawing of the proposed work. If the proposed work is approved, the sexton shall issue a written permit. If the work being done is deemed not to be the work authorized or is substandard, the sexton, or assistant sexton when appropriate, at his/her own discretion may order that the structural change be brought into compliance with the approved application or removed entirely. The person whose name appears on the permit is entirely responsible for seeing that the work is done as approved and is responsible for any all costs incurred by the city in enforcing the provisions of this chapter.

N. Any structural changes shall be done in a manner that ensures their structural integrity. All cement or concrete poured shall be of at least a six sack mix to the cubic yard and shall be reinforced adequately to prevent cracking. The

sexton, or the assistant sexton when appropriate, shall be authorized to seek any professional opinions he or she deems necessary prior to approval to determine if the proposed work will be structurally sound.

O. The following provisions shall apply to the marking of any unmarked grave that is deemed by the sexton, or assistant sexton when appropriate, to be over 30 years of age:

1. If the occupant of the grave is known and the family of the deceased desires that the grave be marked, said grave may be marked in a fashion that is consistent with other graves within the immediate cemetery, subject to cemetery commission approval and the other provisions of this chapter. Reasonable proof must be presented to the cemetery commission on the identity of the grave.

2. If the occupant of the grave is known and the family of the deceased cannot be reasonably located, and if an individual or appropriate lodge or group desires that the grave be marked for identification purposes and to prevent the loss of location, said grave may be marked only with a small headstone or wooden marker placed in such a manner as not to disturb the original grave site, subject to cemetery commission approval and the other provisions of this chapter. Reasonable proof must be presented to the cemetery commission on the identity of the grave.

3. If the occupant of the grave is unknown and if an individual or appropriate lodge or group desires that the grave be marked to prevent loss of location, said grave may be marked only with a small headstone or wooden marker placed in such a manner as not to disturb the original grave site, subject to cemetery commission approval and the other provisions of this chapter.

P. All persons doing work in the Roslyn cemeteries that are doing so as a business or for any other form of pay must be licensed and comply with all the necessary laws of the city and the state of Washington pertaining to contractors and other businesses. This shall include, but not be limited to, all monument companies or salesmen, any contractor doing structural changes, and any grounds keeping or lawn care business. Nothing in this chapter shall prevent a family and other volunteers from doing their own work; providing, that they submit a structural change application when appropriate^[CoR52] and ^[CoR53]comply with all other provisions of this chapter. The city shall have the ability to suspend any business or individual from further activity of any nature in the Roslyn cemeteries for failure to comply with any provisions of this chapter. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 540 § 8, 1977.]

8.15.150^[CoR54] Cemetery charges and fees for the Old City, New City, Roslyn Memorial Gardens and other city-owned cemeteries.

A. Charges will be set by resolution of the City Council as part of the City's fee schedule^[CoR55].

[Ord. 1026 § 1, 2007; Ord. 970 § 1, 2005; Ord. 901A, 2000; Ord. 887 § 1, 1999; Ord. 885 § 1, 1999; Ord. 603, 1985; Ord. 540 § 9, 1977.]

8.15.160 Cemetery funds^[CoR56], ^[AM57]

A^[CoR58]. All cemetery monies coming into the hands of the city treasurer shall be used solely for the purposes of acquiring, operating, maintaining and

improving the city cemeteries, and providing care for lots, excluding Memorial Gardens[CoR59].[CoR60]

[Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 661, 1990; Ord. 540 § 10, 1977.]

8.15.170 Deeds or certificates of ownership.

Upon payment in full of all charges for lots in the New City or Roslyn Memorial Gardens, the city of Roslyn shall give to the purchaser a deed or certificate of ownership to the burial lot or plat in question, subject to all existing and future cemetery rules and regulations and the limitations set out in this chapter. Such deeds or certificates shall state that no sale or transfer thereof or of the property therein described shall be valid or binding until approved by the city of Roslyn and recorded in the city cemetery records. In all other city cemeteries, no such deeds or certificates of ownership shall be issued by the city. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 540 § 11, 1977.]

8.15.180 Liability of city.

The city of Roslyn shall not be liable for any of said funds except a misappropriation thereof, and shall not have power to bind the city or said fund for any further liability than whatever net interest may be actually realized from such investments, and shall not be liable to any particular person for more than the proportionate part of such net earnings. This limitation on liabilities shall be set out in all deeds or certificates of ownership issued for cemetery lots. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 540 § 12, 1977.]

8.15.190[CoR61][AM62] Books of account – Audit.

Accurate books of account shall be kept of all transactions pertaining to cemetery funds, which books shall be open to the public for inspection. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 540 § 13, 1977.]

8.15.200 Grave digger.

The city of Roslyn shall contract for the services of a grave digger whose pay shall be set by the professional services contract[CoR63]. The grave digger shall be an independent contractor, not a city employee, and shall serve for all city-owned cemeteries. The duties of the grave digger are as follows:

- A. Accept calls regarding burial from cemetery sexton.
- B. Contact funeral home to coordinate schedule.
- C. Be responsible for digging of grave and installation of liner and, if vault is used, coordinate with vault company.
- D. Be responsible for set-up of lowering device and other necessary equipment.
- E. Contact Assistant Sexton immediately if any repairs are needed to cemetery as a result of an interment.[SG64]
- F. Restore the cemetery to its original condition prior to interment or exhumation, including but not limited to the removal of all debris so caused to a location specified by the cemetery sexton. [Ord. 970 § 1, 2005.]
- G. Any and all concrete/cement work done in the cemeteries requires a structural change application. All concrete/cement work must be done by a

bonded and licenses contractor, including cremains.[CoR65] A concrete saw, roto-hammer, or other tools designed to minimize damage must be used whenever any existing concrete surfaces needs to be removed or cut, including in the case of internments[SG66].

H. Cremains may be interred by family members with approval of the Assistant Sexton in accordance with this chapter. Cremains shall be interred no closer than 7” from the Head Stone and 18” in depth.[SG67]

8.15.210 Assistant sextons for city-owned lodge cemeteries.

A. The positions of assistant sexton for each of the city-owned lodge cemeteries are hereby created.

B. Assistant sextons may be proposed by the cemetery commission. Each assistant sexton shall be appointed by the mayor, for an indefinite term. Co-assistant sextons may be appointed.

C. In order to be appointed assistant sexton for a particular cemetery, the following criteria shall be followed:

1. Be a member of the active local lodge that is affiliated with the particular cemetery and selected by that same lodge to be the assistant sexton with a signed written resolution passed by said lodge given to the cemetery commission; or

2. If the conditions of subsection (C)(1) of this section cannot be met, the assistant sexton shall have at least one family member buried in said cemetery; or

3. If no suitable assistant sexton can be appointed for a particular cemetery under the conditions of subsections (C)(1) and (2) of this section, the cemetery sexton shall be in direct charge of that cemetery.

D. An assistant sexton may be a member of the cemetery commission.

E. An assistant sexton may be appointed for more than one city-owned lodge cemetery.

F.[AM68] The duties of assistant sexton in their particular cemetery shall include the following:

1. Arrange burials and oversee funerals.

2. Oversee the work of the grave digger, approve that the internment is complete, notify the cemetery sexton of the completion, and sign for the release of the retainer.

3. Approve burials subject to the provisions in RMC 8.15.120.

4. Notify the cemetery sexton as to the burial and forward any required records.

5. Provide the cemetery sexton and the city with a map showing all known burials and any existing reserved plots. The assistant sexton shall keep current said map with all new burials and reserved plots.

6. Comply with the provisions of this chapter and all other applicable Roslyn Municipal Code provisions and report all violations to the city.

7. The care and maintenance of said cemetery.

G. The positions of assistant sexton are unpaid volunteer positions and no assistant sexton may profit directly or indirectly from their position or from cemetery-related activities.

H. In the case of a burial and the assistant sexton is unavailable and there is no co-assistant sexton or they are also unavailable, the cemetery sexton may make such decisions in their place.

I. Assistant sextons may be removed by the mayor at will.

J. All decisions by the assistant sextons may be appealed to the cemetery commission. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999; Ord. 885 § 2, 1999; Ord. 787 § 1, 1995; Ord. 757 § 2, 1993.]

8.15.220 Private cemeteries.

All private cemeteries within the Roslyn city limits shall comply with all state and local laws. All such cemeteries shall provide the city with the name of a contact person. Private cemeteries not in compliance with state or local laws will only be allowed to have burials in existing improved or established plots. [Ord. 970 § 1, 2005; Ord. 887 § 1, 1999.]

8.15.230 Maintenance of cemeteries.

A. The city designates only the Roslyn Memorial Gardens as perpetual care[AM69].

B. Any and all maintenance occurring in the [AM70]Roslyn cemetery shall be conducted in such a manner as not to damage or disturb the historic and cultural nature of grave sites or the cemetery. Any and all maintenance shall not violate any provisions of this chapter.

C. Any organization, club, school group, or individuals desiring to do maintenance in the Roslyn cemeteries shall first receive written permission from the sexton, or in the case of city-owned lodge cemeteries, the appropriate assistant sexton, except this provision shall not apply to family members doing maintenance to family plots. [Ord. 971 § 1, 2005; Ord. 970 § 1, 2005; Ord. 887 § 1, 1999.]

8.15.240 Cemetery policies and plans.

The sexton or city may develop such policies and plans as necessary for the administration and preservation of the Roslyn cemeteries and the administration of this chapter when necessary. Such policies and plans shall be consistent with the Roslyn Municipal Code. [Ord. 887 § 1, 1999.]

8.15.250 Historic significance and preservation of Roslyn cemeteries.

The Roslyn cemeteries are deemed by the city to be a historically significant site requiring preservation. The provisions of this chapter are deemed necessary to that historical significance and preservation as prescribed in the Standards and Guidelines for Preservation, Rehabilitation, Restoration, and Reconstruction of Historic Properties [SG71]and are to be strictly enforced. [Ord. 887 § 1, 1999.]