

**CITY OF ROSLYN  
WASHINGTON**

ORDINANCE NO. 1119

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**AN ORDINANCE OF THE CITY OF ROSLYN,  
WASHINGTON, REPEALING AND ENACTING A NEW  
ROSLYN MUNICIPAL CODE CHAPTER 8.15 RELATING  
TO CEMETERY RULES AND REGULATIONS;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING  
AN EFFECTIVE DATE**

**WHEREAS**, on December 13, 1977, the City Council adopted Ordinance No. 540, establishing rules and regulations for City cemeteries; and

**WHEREAS**, the cemetery rules and regulations were codified into the Roslyn Municipal (RMC) Code and have been subsequently amended several times since Ordinance No. 540's initial adoption; and

**WHEREAS**, many provisions of Chapter 8.15 RMC are outdated and, in some instances, do not reflect the actual practices or intent behind Ordinance No. 540's adoption; and

**WHEREAS**, the City Council desires to repeal Chapter 8.15 RMC in its entirety and reenact the chapter to update the Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROSLYN, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Repealer.** Roslyn Municipal Code Chapter 8.15, "Cemetery Rules and Regulations," is hereby repealed in its entirety.

**Section 2. New RMC Chapter 8.15 Established.** A new Roslyn Municipal Code Chapter 8.15, "Cemetery Rules and Regulations," is hereby established to replace the Chapter repealed in Section 1 of this Ordinance to read as follows:

**Chapter 8.15**

**CEMETERY RULES AND REGULATIONS**

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**8.15.010 Purpose.**

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 significance and character of Roslyn cemeteries.

The city also desires to maintain the separate identity and integrity of each cemetery. The city further desires that the primary purpose of Roslyn cemeteries continue to be a place of burial and commemoration of the dead, and not for the profits of commercial enterprises and or exploitation. The city intends that the Roslyn Municipal Code be utilized to provide direction in meeting these goals.

**8.15.020 History.**

The development of 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 Old City). African Americans were excluded from burial within the original cemetery and instead were buried in an adjoining piece of property. 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 the 1926 deed, the city deeded four cemeteries – Oddfellows, Old Knights of Pythias, New Knights of Pythias, and Veteran Cemeteries – to individual organizations. The city also subsequently established New City Cemetery and Roslyn Memorial Gardens. Roslyn Memorial Gardens was situated on a piece of land acquired by the city after the 1926 deed. Due to the unique historical development of Roslyn cemeteries, the only cemeteries for which the city maintains records are New City Cemetery and Roslyn Memorials Gardens. Only Roslyn Memorial Gardens has perpetual care. Many of the local fraternal organizations are now disbanded. Families and other volunteers currently do most of the cleaning and maintenance in Roslyn cemeteries.

#### **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 cemetery” or “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 the construction of any border and/or interior of a grave or lot, however marked, including, but not limited to, those constructed with 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, and/or the cleaning of marble chips, lava rock, or cinder rock. Maintenance shall not include any structural changes.

G. “Family member” shall mean all blood relatives, those related by adoption, stepchildren, and the spouse or domestic partner of the decedent or the individual interred.

H. “Existing improved or established plot” shall mean a grave space that is surrounded by curbing or is marked with a headstone.

#### **8.15.040 Cemetery names.**

The individual cemeteries that now 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 Former County. These

cemetery names are for designation purposes only and are not intended to imply ownership by any organization.

**8.15.050 Cemetery plat and records for New City Cemetery and 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 New City Cemetery and Roslyn Memorial Gardens. The record shall include the status of such lots, all transfers of lots, the names and addresses of the lot 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 by the Mayor or his/her designee. The cemetery sexton shall keep in his or her records a plat or plats, accurate and up to date, of New City Cemetery and Roslyn Memorial Gardens.

**8.15.060 Cemetery plat and records for all other cemeteries.**

The cemetery sexton shall keep records of all burials at all other city cemeteries not identified in RMC 8.15.050 occurring after the effective date of the ordinance codified in this chapter.

**8.15.070 Cemetery sexton.**

A. The direction of funerals occurring within a cemetery, and the care and maintenance of cemeteries, shall be under the supervision of the Mayor or his/her designee. The Mayor or his/her designee shall maintain order within Roslyn cemeteries. Further duties of the cemetery sexton shall include:

1. Contacting funeral homes to coordinate schedules;
2. Hiring, notifying, and supervising diggers for all city-owned cemeteries;
3. Notifying city crew if plowing and/or sanding is necessary;
4. Releasing retainers for grave diggers and obtaining approvals from assistant sextons for release of retainers;
5. Facilitating any necessary discussions between city employees and grave diggers;
6. Managing repairs as needed to cemetery as a result of interments; and
7. Allowing vehicles into the cemeteries as necessary for interment.

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 cemetery sexton under this chapter are appealable to the city council.

**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 and coordination of all activities in Roslyn cemeteries including, but not limited to, the following:

1. Cultural, seasonal, religious, educational, and memorial activities of any kind; and

2. Any work planned for the cemeteries, including road repair, kiosks, signage, and competitive activities of any kind.

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.

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. The commission shall adopt rules for the transaction of cemetery business and shall keep written records of its meetings, resolutions, transactions, findings, and determinations, which record shall be public records.

D. The duties of the commission shall be to:

1. Review all applications for assistant cemetery 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; and

5. Communicate all commission actions to the city council.

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

F. All decisions of 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 his/her position or from cemetery-related activities.

H. Members of the commission may be removed by the Mayor at will.

#### **8.15.090 General regulations.**

A. The rules and regulations set out in this chapter shall govern all cemeteries now owned or hereafter acquired by the city of Roslyn.

B. No tree, shrub, or plant shall be planted, placed, or kept on any lot or in any other part of cemeteries, except in areas designated by the cemetery commission for planting or keeping thereof. Any tree, shrub or plant planted, kept or maintained in violation of this chapter shall be removed by the cemetery sexton, with such other city help as is necessary, and the cost of removal shall be paid by the offending person or persons. Hazelnut bushes/trees shall never be planted, placed, or kept on any lot or in any other part of cemeteries.

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 cemetery sexton shall, with such other city help as is necessary, remove the same, and the cost of removal shall be paid by the offending person or persons.

D. In Roslyn Memorial Gardens, no fences of any kind, and no coping or curbing of any kind, and no other monuments, stones, signs, objects, or things of any kind projecting above the surface of the ground are permitted, except as specifically authorized by the ordinances, rules, and regulations of the City of Roslyn.

E. Heavily loaded vehicles weighing more than GVW 12,000 need to remain on paved roads and park in designated parking at Kiosk. Including commercial buses, and other heavy or sharp objects or things which will mark, damage, or tear up the ground, shall not be allowed within cemetery areas or on the roads within cemetery complexes without first obtaining written permission from the cemetery sexton.

F. Every person entering any City Cemetery shall be responsible for all damage 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. This provision does not apply to service animals.

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

I. No vehicle shall: (1) be driven in any part of a cemetery except on the driveways laid out for that purpose or on unimproved property; (2) be driven in a cemetery at a speed exceeding 15 miles per hour; or (3) be driven or parked in a cemetery between dusk and dawn each day, provided, however, that such prohibition shall not apply to law enforcement vehicles or city maintenance vehicles.

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

K. No person other than for law enforcement officers, city officials, cemetery sextons, assistant sextons or their designees shall be in any part of the Roslyn City Cemeteries one-half hour after sunset and one-half hour before sunrise each day.

L. Chapter 12.45 of the Roslyn Municipal Code, Cemetery Design Standards, shall also apply to all graves and cemeteries including both city owned and privately owned cemeteries.

#### **8.15.100 Prohibited acts; Penalties.**

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

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; and

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 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 anything 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 anything placed in the cemeteries by or with the consent of the city which has become damaged, or is in a dilapidated or unsafe condition.

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 or her unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed.

#### **8.15.110 Burials in 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 shall be permitted in the cemeteries without a proper burial permit as required by the laws of the state of Washington.

E. At the time permission is requested, the name, age, place and date of birth, place and date of death, 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 required in this section, 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 shall 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 shall be subject to control and direction of the cemetery sexton. All interments must be made under the direction of the cemetery sexton, who shall have the entire control of the digging of graves and all other matters relating to burials.

J. In Roslyn Memorial Gardens, no graves shall be dug less than six inches from the boundary line of a lot, and graves on lots shall be arranged

so as not to present a crowded or irregular appearance. Mounds over new graves must not be kept over five inches in height.

**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 shall be permitted without a proper burial permit as required by the laws of the state of Washington.
- C. No burial shall 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, sex, and last address of the person to be interred shall be given to the assistant sexton and forwarded to the city sexton. Information about how a 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 of the national lodge that included the now disbanded local lodge, provided the person was a member in good standing of the disbanded local lodge; or
  - 3. A family member of a person already interred in said cemetery.

**8.15.130 Exhumations.**

- No exhumation shall be allowed without first obtaining:
- A. A written permit from the registrar of the district in which the cemetery is located;
  - B. Written permission from the City of Roslyn;
  - C. Consent from the cemetery authority; and
  - D. Written consent from the decedent's surviving spouse or registered domestic partner, surviving children, surviving parents, or surviving siblings, in that order. If permission cannot be obtained, permission of the superior court will suffice. All such exhumations shall be under the direction and supervision of the cemetery sexton, except that disinterment shall be allowed when made pursuant to an order of a court of record, in which case receipts for the remains must be given.

**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 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 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 shall be removed by the city at the expense of the lot owner.

I. In Roslyn Memorial Gardens, grave spaces for adult burials 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 liners or vaults are mandatory for all full body burials except when in conflict with religious beliefs.

K. In 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 a vase shall be required to have a steel lid attached by chain to cover the

recess. The cemetery 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 90 days after interment. Grave spaces thereafter shall be marked only by permanent-type markers as permitted by Chapter 12.45 of the Roslyn Municipal Code, Cemetery Design Standards.

M. Any structural changes occurring in the city cemeteries shall be done only after submitting, in writing, an application to the cemetery commission of the proposed work to be done. 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 ensuring that the work is done as approved and is responsible for any and 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 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 of the identity of the grave must be presented to the cemetery commission.

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 of the identity of the grave must be presented to the cemetery commission.

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 Roslyn cemeteries that are doing so as a business or for any other form of pay must be licensed and comply with all of 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 their volunteers from doing their own work; providing, that they submit a structural change application when appropriate and 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 Roslyn cemeteries for failure to comply with any provisions of this chapter.

**8.15.150 Cemetery charges and fees for Old City Cemetery, New City Cemetery, Roslyn Memorial Gardens and other city-owned cemeteries.**

Cemetery charges and fees shall be set by resolution of the City Council as part of the City's fee schedule. The cemetery commission shall be notified prior to any proposed fee schedule changes.

**8.15.160 Cemetery Improvement Fund.**

A. There is hereby created for the city of Roslyn a fund entitled "Cemetery Improvement Fund." The monies in this fund shall be kept separate from other funds of the city, and the balance in this fund at the end of each year shall be carried forward in the same fund. Monies designated for investment for lot care, and the income therefrom, shall be segregated so that an accurate record thereof may be kept.

B. All cemetery monies collected pursuant to this chapter shall be kept by the City in the Cemetery Improvement Fund. Cemetery Improvement Fund monies shall be used solely for the purposes of acquiring, operating, maintaining and improving the city cemeteries, and providing care for lots.

C. The amounts received hereafter by the city from the sale of cemetery lots shall be deposited with the city treasurer and thereafter not less than 10 percent of such monies shall be set aside and invested, and the income therefrom used for care of said lots. Other amounts received from donations and other sources may, at the discretion of the city council, also be set aside, invested, and the income used for said lot care and for cemetery improvement and maintenance.

D. It shall be the duty of the city treasurer, after first obtaining the approval of the Roslyn city council, to invest all monies set aside for the care of lots in municipal, county, school or state bonds, or general obligation warrants of the City of Roslyn, or in such other investments as may be authorized by law. The income from such investments shall be held in trust for the care of lots in city cemeteries. If, at any given time, sufficient monies are available from other sources to cover the cost of such care, the income from the corpus of the lot care trust monies may be reinvested therein until such time as it may be required.

E. All income received from the investment of the cemetery lot care monies and from such income as has been reinvested as above provided shall be deposited with the Roslyn city treasurer and shall be placed in the Cemetery Improvement Fund, and shall be paid out by the treasurer when authorized by the city council only for cemetery purposes.

**8.15.170 Deeds or certificates of ownership.**

Upon payment in full of all charges for purchase of a lot in New City Cemetery 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.

**8.15.180 Liability of City.**

The City of Roslyn shall not be liable for any of funds except a misappropriation thereof, and shall not have power to bind the city or 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.

**8.15.190 Books of account – Audit.**

Accurate books of account shall be kept of all transactions pertaining to the Cemetery Improvement Fund, which books shall be open to the public for inspection.

**8.15.200 Grave digger.**

The City of Roslyn shall contract for the services of a grave digger whose pay shall be set by professional services contract. 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 shall be set forth in his/her professional services contract.

**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 also be appointed.

C. In order to be appointed assistant sexton or co-assistant sexton for a particular cemetery, the following criteria shall apply:

1. The assistant sexton shall 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 (C)(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. Assistant sextons, in their particular cemeteries, shall perform the following duties:

1. Arrange burials and oversee funerals;

2. Oversee the work of the grave digger, approve that internments are 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 burials 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; and

7. Manage 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 his/her position or from any other cemetery-related activities.

H. In the event an assistant sexton is unavailable at the time of a burial and there is no co-assistant sexton or the co-assistant is also unavailable, the cemetery sexton may make any necessary decisions.

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.

#### **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.

#### **8.15.230 Maintenance of cemeteries.**

A. Roslyn Memorial Gardens is designated as a perpetual care cemetery, meaning the City of Roslyn is responsible for perpetual care and maintenance. All other Roslyn cemeteries shall be maintained by each

Cemetery's Assistant Sexton and his or her volunteers in accordance with this Chapter.

B. Any and all maintenance occurring in any of the Roslyn cemeteries 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 conducting maintenance to family plots.

**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.

**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 and are to be strictly enforced.

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 4. Effective Date.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13TH DAY OF OCTOBER, 2015.**

CITY OF ROSLYN  
  
Geoff Scherer, Mayor

ATTEST/AUTHENTICATED:  
  
Brandi Taklo, City Clerk

Approved as to form:

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Ann Marie Soto, City Attorney

Filed with the City Clerk:

Passed by the City Council: 10-13-2015

Date of Publication: 10-22-2015

Effective Date: 10-29-2015