

CHAPTER 96: CEMETERY

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§ 96.01 CEMETERY NAME.

The following tract of ground shall be known and designated as Andrew Cemetery: the south half of the southwest quarter of the southwest quarter of Section 24, Township 8, North Range 1, east of the sixth principal meridian in Saline County, Nebraska, heretofore acquired by the city, together with any other ground adjoining the above tract of land that may hereafter be acquired by the city for cemetery purposes.

(1999 Code, § 3-1001)

§ 96.02 OPERATION AND FUNDING.

(A) The municipality owns and manages the municipal cemetery through the Board of Cemetery Trustees. The governing body, for the purpose of defraying the cost of the care, management, maintenance and beautification of the cemetery may each year levy a tax not exceeding the maximum

limit prescribed by state law, on the actual valuation of all real estate and personal property within the municipality that is subject to taxation. The revenue from the tax shall be known as the Cemetery Fund and shall include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds or other valuable income-producing personal property and real estate from any source for the purpose of endowing the cemetery. The Cemetery Fund shall at all times be in the custody of the Municipal Treasurer.

(B) The Board shall have the power and authority to hire and supervise those employees as it may deem necessary and to pass rules and regulations for the operation of the cemetery as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the governing body.

(C) The cost of cemetery lots, burial lots and perpetual care, charges for grave opening and burial of cremains, monument and head stone base fees, concrete or brick vault fees and other fees shall be set by resolution by the Mayor and City Council with the advice of the Board of Cemetery Trustees and shall be kept on file with the Secretary of the Board.
(1999 Code, § 3-1002)

§ 96.03 PLAT.

The Secretary of the Board of Cemetery Trustees shall keep in his or her office a plat showing the burial lots and interment spaces for sale in each of the blocks in the cemetery together with a list of the prices of the various lots and spaces; all sales shall be made for cash and the name of the purchaser shall be recorded on the plat, but not before full payment has been made. The Secretary shall provide himself or herself with blank burial permits and when application for burial are made he or she shall issue the permit for the interment applied for. Duplicate of all permits issued shall be kept in the office of the Secretary.

(1999 Code, § 3-1003)

§ 96.04 ISSUANCE OF WARRANTS.

No warrants shall be issued on the Cemetery General Fund by the President and the Secretary of the Board of Cemetery Trustees, except on claims filed, verified on oath by the claimant, audited and allowed by the action of the Board at a regular or special meeting of the Board and the minutes of the proceedings of the Board shall set forth in detail the allowance, disallowance or other disposition of all claims filed. The Municipal Treasurer shall be ex officio treasurer of the Cemetery Fund.

(1999 Code, § 3-1004)

§ 96.05 CEMETERY SEXTON.

(A) The Board of Cemetery Trustees, subject to the approval of the governing body, shall have the authority to appoint a sexton who shall perform those duties and make those reports as the Board shall direct.

(B) The sexton and his or her employees are hereby empowered to enforce all the rules and regulations made by this chapter or by the Board of Cemetery Trustees and the Mayor and Council of the city. The sexton shall have charge of the grounds and the buildings and at all times shall have supervision and control of all persons in the cemetery, including the conduct of funerals, traffic, employees, plot owners and visitors.

(C) It shall be the duty of the sexton, upon receiving a burial permit to locate and direct the party named in the permit to the lot mentioned therein and to dig and excavate, or cause the same to be dug or excavated, in compliance with the rules and regulations of the Board.

(D) The sexton must be contacted before any setting of monuments or markers, and no plantings of trees, shrubs or flowers may be made without the specific permission of the Board and the sexton. All flowers or decorations not in permanent containers will be removed ten days after Memorial Day or from the day that they were placed upon the grave. A permanent sign shall be placed in the front of Andrew Memorial Cemetery in the gate area, indicating these rules and with the current phone number of the sexton.

(1999 Code, § 3-1005)

§ 96.06 CONVEYANCE OF LOTS.

The governing body may convey cemetery lots by certificate signed by the Mayor and countersigned by the Municipal Clerk under the municipal seal specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. No certificate shall be issued until the cost of the lot and perpetual care for the lot has been fully paid. The certificate shall give a right in fee simple to the proprietor, his or her heirs and assigns. The certificate shall then be recorded in the office of the County Clerk.

(1999 Code, § 3-1006)

§ 96.07 PERPETUAL CARE.

(A) No lots shall be sold without including perpetual care being fully paid in the price, except that the sexton may continue to collect payments on perpetual care contracts which have not been fully paid until the same are, according to his or her records, fully paid. The municipality shall undertake the perpetual keep and maintenance of the lots.

(B) All sums paid for perpetual care shall be set aside in a perpetual care fund. The fund shall be permanent in nature, and as it accumulates shall be invested in interest bearing securities as are authorized by state law and approved by the Mayor and City Council. The principal of the fund shall never be disturbed or used, but the income earned thereon shall be transferred semi-annually to the Cemetery Fund to be used solely for the purposes of perpetual care for the cemetery lots.

(C) Any lot owner who shall not have, prior to the purchase of his or her lot, endowed his or her holdings with perpetual care, may do so by paying to the Secretary of the Board of Cemetery Trustees

the sum of money as the Board may in each case fix and determine. Thereafter, the owner shall not be liable for the payment of an annual maintenance assessment.

(D) The sexton shall maintain all necessary plats and records regarding sales of lots and perpetual care.
(1999 Code, § 3-1007)

§ 96.08 FORFEITURE OF LOTS.

If, for three consecutive years, all charges and liens are not paid by the holders of the lot certificates, the certificates shall be declared forfeited and subject to resale. All certificates sold shall contain a forfeiture clause to the effect that if no interment is made on the lot and all liens paid, the certificate and the rights under the same may, at the option of the Board of Cemetery Trustees, with the sanction of the governing body, be declared null and void and the lot shall be subject to resale.
(1999 Code, § 3-1008)

§ 96.09 LOT TRANSFERS.

Any person who wishes to transfer a certificate may do so by surrendering the original certificate to the Municipal Clerk, who shall issue a new certificate upon the receipt of the recording fee set by resolution of the governing body.
(1999 Code, § 3-1009)

§ 96.10 BURIAL PERMIT.

All persons desiring to bury a deceased person shall first be required to file a completed death certificate with the Registrar of the County before any body may be buried in the municipal cemetery. If it is impossible to complete the certificate of death within the legal period of time prescribed by state law, the funeral director shall notify the Registrar and obtain his or her written approval before the deceased person may be buried in the municipal cemetery. The burial permit so issued by the Registrar shall then be filed with the Municipal Clerk. It shall be unlawful for the sexton, or other person, to allow the interment of a body without first receiving a permit. The burial permit shall then be countersigned and dated by the sexton. The interment of any body shall be performed under the direct supervision of a licensed funeral director. The applicant shall also file with the burial permit an application containing the name, age, sex, race and cause of death of the deceased person for the records of the Board of Cemetery Trustees. Upon completion of the requirements herein, the Municipal Clerk shall then issue a municipal burial permit which shall entitle the applicant to bury a deceased person in the municipal cemetery. In the event that the removal of the body of any deceased person is requested the Municipal Clerk shall issue no permit until the applicant shall have first complied with the laws of the state with respect to the disinterment.
(1999 Code, § 3-1010)

§ 96.11 SHRUBS AND TREES.

It shall be unlawful to plant, maintain or suffer to remain on any cemetery lot a shrub or tree attaining a height of more than four feet.

(1999 Code, § 3-1011) (Ord. 11-721, passed - -2011) Penalty, see § 96.99

§ 96.12 GRAVE MARKER FOUNDATIONS.

The foundations for all head stones, foot stones and monuments shall be prepared and made by the monument or marker company with the approval of the sexton of the cemetery subject to the following rules.

(A) The cemetery sexton must be contacted before any marker or monument installation is made.

(B) Grave space or spaces must be paid for before any memorial can be installed.

(C) All above ground monuments and markers must set on an approved concrete or granite foundation with a minimum apron on all four sides of four inches.

(D) Monuments and markers must be a standard granite or marble of any color or made of bronze.

(E) Only vases of a permanent type are allowed and must be set in or permanently attached to the concrete or granite foundation on end of the memorial (in line), never in front or behind the memorial.

(F) Concrete foundations (poured wash around a granite marker) in the north (flush) section of the cemetery must have a minimum depth of four inches. All granite markers (minimum size of 32 inches by 20 inches by four inches) do not require a poured wash and will have a minimum of two-inch leveling sand under the marker. Markers and monuments whether in the north (flush) section or at any other cemetery location of more than 42 inches in length will require 4 five inch by 36 inch deep concrete anchors, set in two rows on 18-inch centers.

(G) Surface vaults and covers will not be permitted (curved cement covers covering entire grave). Full grave cover granite ledgers will not be permitted. No graves are permitted to be covered with cement slabs, brick or any material except earth.

(1999 Code, § 3-1012) (Ord. 11-721, passed - -2011)

§ 96.13 AUTOMOBILE REGULATIONS; OPEN HOURS.

Automobiles and other vehicles must not be driven through the grounds of the cemetery at a speed greater than ten mph. No vehicle of any kind is permitted to be driven anywhere in the cemetery, except on the platted roads of the cemetery. The cemetery grounds and buildings shall be open from 8:00 a.m. to 5:00 p.m. No firearms shall be permitted in and on the cemetery, except for military services.

(1999 Code, § 3-1013) Penalty, see § 96.99

§ 96.14 CORNER POST PLACEMENT.

Corner posts of any lot or plot shall be placed flush with the grave.
(1999 Code, § 3-1014) (Ord. 11-721, passed - -2011)

§ 96.15 BURIAL VAULT REQUIREMENT; DISPOSAL OF REMAINS (ASHES); COST OF GRAVE OPENINGS.

(A) No one shall be buried on any lot without the purchase of a rigid outer burial container (burial vault). This container shall surround the casket or coffin and must be made of concrete, galvanized steel or of other heavy-duty materials. The minimum required container shall be a concrete grave liner or sometimes referred to as concrete grave box.

(B) Ashes must be placed in a suitable container, such as an urn, made specifically for the placement of cremated remains. All urns must be suitable for burial. Urns made of non-permanent material, such as wood or glass, must be placed in an urn vault. No scattering of ashes will be allowed on cemetery property. Cremains (ashes) of only one person shall be buried on a five-foot by ten-foot space. If requested, and approved by the Board of Cemetery Trustees on a case-by-case basis, the cremains (ashes) of a second person can be buried on that same grave space by purchasing a second burial permit, equal to the current price of a grave space. Absolutely no more than two burials per grave space will be allowed.
(1999 Code, § 3-1015) (Ord. 11-721, passed - -2011)

§ 96.16 DESTRUCTION OF PROPERTY.

Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument or gravestone placed in the cemetery, or any fence, railing or other work for the protection or ornamentation of the cemetery, or who shall willfully destroy, cut, break or injure any tree, shrub or plant shall be deemed to be guilty of an offense.
(1999 Code, § 3-1016) Penalty, see § 96.99

§ 96.99 PENALTY.

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this title, the municipality may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the Court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (1999 Code, § 3-1101) (Ord. 00-20, passed 6-6-2000)

Friend - General Regulations