

## ARTICLE 2. CEMETERY

### PLAT AND LOTS.

- 12-201. a. The lots, blocks, avenues and walks of the cemetery of the City shall be known and designated according to the surveys and plats accepted by the governing body, and now on file in the cemetery sextant and or city office.  
b. The corners of blocks in the cemetery shall be marked and defined by stones or metal rods of suitable dimension not less than 18 inches in length placed within the lot lines, flush with the surface of the lot.

### 12-202. SALE OF LOTS.

Unsold spaces shall be sold for \$7.50 per space, 16'x16' whole lots (4 spaces) shall be sold for \$30.00. The purchase of more than six spaces by any individual or family in the Original, First and Second Additions shall require the approval of the governing body. Spaces in additional additions shall be sold in consecutive order and the purchases of more than four spaces by any individual or family shall require approval of the governing body. The right of way around all 16' x 16' lots shall be approximately 4'.

### 12-203. SAME; CERTIFICATE.

Upon the payment to the city clerk of the purchase money, there shall be issued to the purchaser a certificate or bill of sale for such purchase, under the seal of the city, which certificate shall be signed by the mayor and countersigned by the clerk, and such certificate, so signed as aforesaid, shall convey the estate, which by the law in such cases made and provided, is intended to be conveyed, for the sole purpose of human interment; and the city clerk shall account for the amount paid by such purchaser, in the same manner as for other city moneys.

### 12-204. CONVEYANCE OR RESALE OF LOTS.

- a. No lot owner shall be allowed to convey his or her lot, or any part thereof, by gift or for a consideration, unless special permission for such conveyance has been obtained in writing from the cemetery sextant, and upon approval thereof by the governing body. Such instrument of conveyance must be filed on record in the cemetery sextants office before the transfer shall become effective.  
b. All resale lots shall be sold back to the City at the original purchase price.

### 12-205 BURIAL OR REINTERMENT.

No one shall bury any dead in the cemetery without first notifying the cemetery sextant or his/her deputy of the name, age, and sex of the deceased, and the lot and block in the cemetery in which burial is to be made.

12-206

SAME; CHARGES.

- a. The city clerk shall keep a brief record of the burials or reinterments in the Cemetery showing the name, age, birth date, death date and burial date of the deceased, the burial location and the mortician.
- b. That scheduling of funerals shall be done by the responsible mortician as to date and time with the concurrence of the cemetery sextant.

12-207

MONUMENT OR MARKER PERMIT.

No grave monument or marker structure shall be placed in the City of Brewster Cemetery without having first obtained, upon written request, from the cemetery sextants office, a permit for the placement thereof. The placement request shall state the dimensions of such monument or marker and the size of the concrete pad and apron of each such monument or marker, the number of markers to be placed and their location in the cemetery, and if the cemetery sexton determines sufficient space exists to accommodate the number and size of monuments or marker so requested, the city clerk shall issue a permit for the placement thereof. The lot owner or person with authority to authorize an opening or reopening a grave is responsible to move and restore any monument or other obstruction to accomplish the opening and reopening.

12-208

GRAVE SPECIFICATIONS.

- a. All graves shall be dug under the personal supervision of the sexton.
- b. No grave in the cemetery shall be less than 5½ feet in depth for caskets four feet or more in length, 3½ feet in depth for caskets under four feet in length, 3½ feet in depth for surface vaults and 2½ feet in depth for cremation. No grave shall be closer than 12 inches to any other grave or to the edge of the lot or half lot on which it is located.

12-209

REOPENING GRAVES; PERMIT

- a. Any person who has proper cause and legal authority desiring to reopen any grave in the cemetery to exhume or remove the body therefrom or for any purpose shall first obtain a permit therefor from the city clerk, which permit shall set forth the number of the lot and block on which the grave is situated, the name of the person buried therein and the time of such burial, and the place where such body is to be reburied if it is to be reburied, and it shall be in writing and shall be signed by the city clerk and have the seal of the office attached thereto and the applicant for such permit shall pay to the city clerk therefor, and before the same is issued, the some of \$100, which shall include the reopening and filling of the grave and supervision of the removal of such body, but not the removal of such body or the labor involved in such removal. The reopening of such grave and the removal of such body shall be done under the supervision of the cemetery sexton.
- b. The funeral director or person burying any dead body or reopening any grave shall deliver the burial permit or permit to reopen, to the sexton

or person in charge of the cemetery before interring the body or reopening any grave for the removal of a body, and the sexton shall not inter or permit interment or other disposition of any body or the reopening of any grave or the removal of a body therefrom unless and until a burial permit or permit to reopen a grave, signed and sealed as herein provided is delivered to him or her, and shall endorse upon the permit the date of interment or reopening over his or her signature and shall return all permits so endorsed to the city clerk, within 10 days after the date of interment or reopening.

- c. It shall be unlawful for any person to bury in the cemetery or to reopen a grave therein without first procuring a permit as herein before provided.

12-210

#### USE OF LOTS.

- a. With the exception of flowering plants, no trees, shrubs or hedges of any nature are to be planted in the cemetery.
- b. All stones, flanges, decorations, and plants set by the owner of the plot must be within the boundary lines of that plot.
- c. No person shall place or erect a monument or marker in the cemetery except under the supervision of the sexton. All monuments shall have a 5" apron of concrete or other suitable material placed under and around the foundation of the monument at the level of the surface of the lot to anchor and stabilize the monument and to facilitate mowing grass around the foundation. All vases or monument decorations must be attached to the stone they are decorating and be installed within the five inch flange.
- d. No grave marker or monument shall be permitted to be placed if of any material other than granite, marble, bronze or limestone and shall conform in size, proportion, and surface finish to standards used in the monument industry. No surface mounted mausoleums are allowed in the Third Addition and all headstones in the Third Addition must be in a straight line.
- e. The materials for erection of any monument, marker, tomb or vault shall be deposited in a place designated by the sexton.
- f. Stones, bricks, sand or other building material used in the erection of the monuments, vaults or tombs shall not remain on the found longer than is actually necessary, but shall be used expeditiously in such construction, and any unused material and debris, shall be removed within three days after the completion of such construction by the owner or the lot on which construction is being performed or by the contractor having a contract for such work, and if same is not removed with in that time, the sexton may remove it at his or her discretion.
- g. Casket containers constructed of wood, metal, fiberglass or concrete will be required hereafter.
- h. Signs, notices or advertisements of contractors, stonecutters, funeral directors, or any other persons will not be permitted on the cemetery

grounds and the placing of same in the cemetery is unlawful and hereby prohibited

- i. All retaining walls, fences, railings, hedges, copings, curbs and other enclosures around or on lots or grave spaces in said cemetery are prohibited, except as may be constructed by the City. Any of the above items which is presently in place may be removed by the City when the governing body determines that the improvement is in such poor condition that it is detrimental to the appearance and maintenance of the cemetery if the owner of such improvement, after notice to repair same, fails to repair such improvement. If reasonable efforts to locate the owner of such improvement for purposes of giving such notice failed, the City may proceed to remove such improvement.

12-211

#### CEMETERY SEXTON; DUTIES.

- a. The City shall employ a sexton of the cemetery who shall hold the position and who shall be charged with duties as may be from time to time required by the mayor or the city council and as required by law.
- b. If any tree or shrub situated upon any lot in the cemetery shall, by reason of growth of its roots or branches, or for any other reason, becomes detrimental, dangerous, or inconvenient to the adjacent lots, walks or avenues, the governing body shall have the power to order the sexton to enter upon the lot and remove the tree or shrub, or such part or parts thereof as shall be detrimental, dangerous or inconvenient.
- c. The sexton shall keep an exact record of the location of the grave in the various lots and burial spaces in a record which shall be kept by him or her for that purpose. Likewise, the city clerk's office shall contain accurate records of all graves and reinterments.

12-212

#### CARE AND MAINTENANCE.

- a. General care of the grounds and maintenance in a neat and orderly manner is provided by the City.
- b. If any owner desires special maintenance from the cemetery other than regularly given the cemetery as a whole, such person shall pay annually, a special assessment for each half lot, the amount of such special assessment to be arranged with the governing body.
- c. Gravesite decorations, including artificial or cut flowers, containers and other accessories, placed at gravesites during funerals, holidays or other occasions, shall be removed by the owner thereof within ten days. The sexton or designated cemetery caretaker personnel, who shall also be authorized to remove such items in the instance they become unsightly in the judgment of the cemetery sexton prior to ten days from date of placement.

12-213

#### PROHIBITED ACTS.

- a. It shall be unlawful to willfully and maliciously disturb, destroy, remove or attempt to remove any corner stone in the city cemetery, or

willfully or maliciously destroy, disturb, remove or attempt to remove any tree, shrub, monument, marker, or other thing therein placed for ornament or otherwise, or with like intent destroy, disturb, remove the fence by which such cemetery may be enclosed, or drive any horse or vehicle of any kind upon the cemetery grounds, except upon the drives provided for such purpose, or under the direction of the sexton.

- b. All trespassing upon the cemetery grounds, or in or upon any building in such cemetery, shall be unlawful.
- c. Owners and visitors are expected to respect the sanctity of the cemetery grounds and to observe the established rules.

12-214

#### OTHER REGULATIONS.

- a. The cemetery department shall not be held responsible for any order given by telephone, or for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a lot where interment is desired.
- b. The cemetery department shall have the right to correct any error that may be made by the department either on making interments, disinterments or removals, or in the description, transfer or conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible as may be selected by the cemetery department, or, in the sole discretion of the city governing body, by refunding the amount of money paid on account of said purchase. In the event the error shall involve the interment of the remains of any persons in such property, the cemetery department shall have the right to remove and reinter the remains on such other property of equal value and similar location as may be substituted and agreed upon.
- c. The cemetery will not be held responsible for any article left on cemetery property or for any stones or anything on any lot damaged or destroyed by fires, vandalism or other damages accruing to private property.