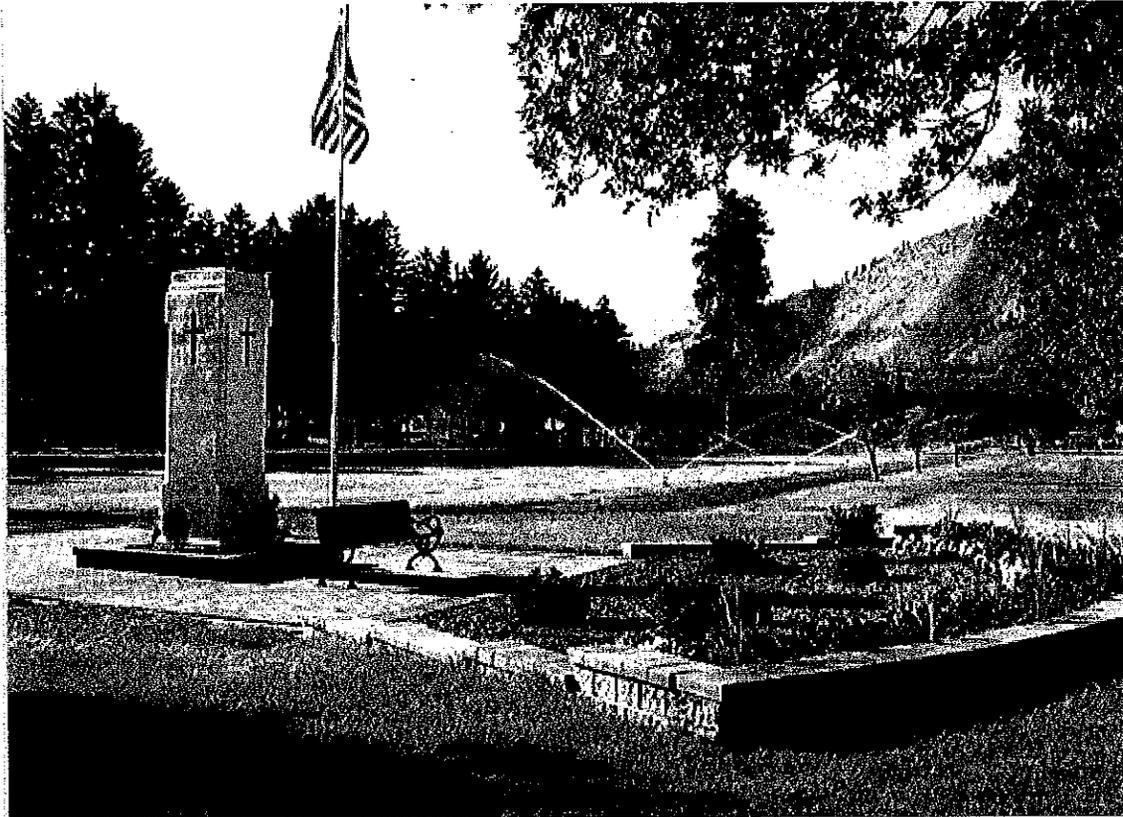


# Cashmere Cemetery



# Rules & Regulations

Adopted by Resolution 8-98

**CITY OF CASHMERE  
CEMETERY RULES AND REGULATIONS**

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# CITY OF CASHMERE CEMETERY

## Rules and Regulations

### 1. AUTHORITY

For the mutual protection of every purchaser of the use of property in the Cashmere Cemetery, these rules and regulations have been approved by the City Council and are rules and regulations governing property sold and contracted to be sold in the Cashmere Cemetery, situated on Evergreen Drive and Treadwell-Brisky Cemetery, situated on Hazel Place, Chelan County, Washington. The rules and regulations are made subject to the laws of Chelan County, and of the State of Washington which may be in force governing cemeteries, columbaria, and/or mausoleums, and the reference to these rules and regulations in the certificate of ownership to lots or plots shall have the same force and effect as if set forth in full therein. The authority to make, adopt, amend, add to, revise, or modify and enforce these rules and regulations is specified in RCW 68.20.060 56 through 68.020.080.

### 2. DEFINITIONS

**Angel Row** - "Angel Row" is a designated area for the interment or inurnment of infants.

**Burial Plot** - One (1) body and two (2) cremains or three (3) cremains

**Cemetery** - The term "Cemetery" shall mean the Cashmere Cemetery, for earth interments, for cinerary interment and scattered cremains.

**City** - The word "City" refers to the City of Cashmere.

**Cremains** - The term "cremains" shall mean incinerated human remains.

**Cremains Plot** - No more than two (2) cremains in a vault

**Disinterment** - "Disinterment" means the unearthing of a previously interred body or cremain.

**Entombment** - "Entombment" means the placement of human remains in a crypt or vault.

**Grave** - "Grave" means a space of ground in Cashmere Cemetery used, or intended to be used for burial.

**Infant** - The term "infant" refers to children 2 years old and under.

**Interment** - "Interment" means the disposition of human remains by burial, entombment, or inurnment.

**Inurnment** - "Inurnment" means placing cremains in an urn and placing it in a niche, or urn garden space.

**Memorial** - The term "memorial" refers to an individual marker of bronze; granite or marble of equal hardness designed to be installed level with the ground.

**Plot** - "Plot" means space in the cemetery used, or intended to be used, for the interment of human remains.

**Plot Owner** - The term "plot owner" is intended to mean, and should be construed as meaning, the ownership of burial privileges and rights of use in any burial section purchased from the City for a consideration and evidenced by a certificate.

**Removal** - "Removal" means a disinterment of a body or cremain to be moved another location.

**Scattering Garden** - "Scattering Garden" means a place where cremains are dispersed in a designated garden area.

**Sexton** - The term "sexton" refers to an employee of the City who is responsible for the maintenance and operation of the cemetery.

**Upright Marker** - The term "upright marker" refers to an individual grave marker of bronze; granite or marble of equal hardness that is not designed to be installed level with the ground.

### **3. GENERAL SUPERVISION OF CEMETERY**

- 1) All funerals, in reaching the cemetery, shall be under the charge of the City Sexton, or his assistants.
- 2) Once a casket containing a body is within the confines of the cemetery, the City reserves the right to refuse permission to anyone to open the casket or to touch the body. Provided that, in the event necessity requires, the City may take appropriate steps to correct an obnoxious or improper condition.

### **4. AGREEMENT BETWEEN CITY AND LOT OWNERS**

- 1) The deed of ownership and these Rules and Regulations and any amendments thereafter shall be the sole agreement between the City and the plot or lot owners.
- 2) All property owners and persons within the cemetery, and all plots sold, shall be subject to these rules and regulations and subject, further, to such other rules and regulations, amendments or alterations as shall be adopted by the City from time to time; and the reference to these rules and regulations in the certificate of ownership to plots shall have the same force and effect as if set forth in full therein.
- 3) Prior to all interments and disinterments, the next of kin must sign a release form at Cashmere City Hall, 101 Woodring Street.

### **5. INTERMENT AND DISINTERMENT**

- 1) All interments, disinterments, inurnments and removals must be made at the time, in the manner, and upon payment of such charges as fixed by the City.
- 2) Funeral Directors shall be required to conclude interments, disinterments, inurnments, removals, and services for same, by the times specified herein and direct those attending to leave the cemetery within 30 minutes after the conclusion of the service. All interments, disinterments, inurnments, removals, and services for same will be concluded and those attending leave the cemetery not later than 2:30 PM, Monday through Friday or 11:00 AM on Saturday. No interments, disinterments, inurnments or removals shall take place on Sunday or City-observed holidays except in the case of emergencies or directed by the Department of Health.
- 3) The right is reserved by the City to insist upon at least twenty-four (24) hours notice prior to any interment or inurnment, and at least one week's notice prior to any disinterment or removal. The City is under no obligation to be available to receive notice of interment, disinterments, inurnments, or removals on Saturday, Sunday or City observed holidays. The City may refuse to make an interment until a more expedient time if twenty-four (24) hours notice is not given, or if the remains arrive at the cemetery entrance after the designated times. Notice of interment for Monday mornings must be received by the City not later than 12:00 noon on the prior Friday. Notice must also be received by 12:00 noon on the working day before a City-observed holiday for interments on the day after said holiday.

- 4) The City reserves the right to refuse to enter any plot and to refuse to open any burial space for any purpose except on written application by the plot owners of record completed on forms provided by the City and duly filed at the City Hall.
- 5) Every earth interment shall be made enclosed in a concrete section liner, sealed vault or City - approved liner, the actual installation of which shall be performed by the employees of the City or it's duly appointed representatives. The City reserves the right to restrict to the day of interment, the delivery of any concrete section liner or sealed vault for installation.
- 6) The City requires all cremains be placed in a concrete liner or vault. Charges for the liner or vault are included in the sexton fee, which shall be provided by the City.
- 7) When instruction regarding the location of an interment space in a lot cannot be obtained, or is indefinite, or when for any reason the interment space cannot be opened where specified, the City Sexton may at his discretion open a space in a lot as he deems best and proper, so as not to delay the funeral; and the City shall not be liable for damages from any errors so made.
- 8) The City shall not be held liable for any order given by telephone or for any mistake occurring from the want of precise and proper instruction as to the particular space, size and location of a grave or space in a lot where interment or inurnment is desired.
- 9) The City reserves the right to correct any errors that may be made in making interment, disinterment, removal or inurnment, or in the description, transfer, or conveyance of any interment or inurnment property either by canceling such conveyance and substituting and conveying in lieu thereof other interment or inurnment property of equal value and similar location so far as possible, or as may be selected by the City, or, in the sole discretion of the City, by refunding the amount of money paid on account of said purchase. In the event such error shall involve an interment or inurnment of the remains of any person in such property, the City reserves, and shall have the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed thereof. The City shall also have the right to correct any errors made by placing an improper description, including an incorrect name or date, either on the marker or memorial.
- 10) The City shall be in no way liable for any delay of interment of a body where a protest to the interment has been made, or where the rules and regulations have not been complied with; and, further, the City reserves the right under such circumstance to place the body in a temporary location or receiving vault until the full rights have been determined. The City shall be under no duty to recognize any protest on the interment unless it is in writing and filed at the City Hall.
- 11) The City shall not be liable for the interment permit, nor for the identity of the person thought to be interred.
- 12) No interment shall be permitted or memorial placed in or on any property until full payment is received at City Hall.
- 13) One (1) body and two (2) cremains or three (3) cremains may be interred in a plot. A cremain plot may contain up to Two(2) cremains in a single cremain vault. This does not pertain to inurnments prior to 2003.

## **6. DISINTERMENTS AND REMOVALS**

- 1) The following requirements exist for disinterments and removals:
  - a) The City reserves the right to determine when the disinterment or removal is to take place.
  - b) The City requires one week's notice prior to any disinterment or removal and;

- c) The City must receive any necessary permits at least twenty-four (24) hours prior to the disinterment or removal.
  - d) A funeral director must be present at the disinterment or removal.
- 2) Removal, by the heirs, of a body or cremains so that the plot may be sold for a profit to themselves, or removal contrary to the expressed or implied wish of the original owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.
  - 3) A body, or cremains, may be removed from its original plot to another plot in the cemetery when there has been an exchange or purchase for that purpose.
  - 4) The City shall exercise the utmost care in making a disinterment or removal, but it shall assume no liability for damage to any casket, burial case, vault or urn incurred in making the disinterment or removal.
  - 5) See Section 5.2 for hours of operation.

### **7. PAYMENT OF BURIAL PLOT**

- 1) The City reserves the right to require that the charges for cemetery services be paid at the time of the issuance of the order of the interment, disinterment or removal.
- 2) Arrangements for the payment of any and all indebtedness due the City must be made before interment; entombment or inurnment will be performed.
- 3) The City allows relatives of existing lot owners to enter into an agreement to reserve a lot or lots, near the existing lot owner's plot, for purchase at a later date. A contract must be entered into for the purchase of the reserved plot(s) no later than sixty (60) days from the date the property was first reserved. After sixty (60) days the property will become available for sale to the general public. The City is under no obligation to renew or extend the terms of the reservation agreement or to send notification that the reservation agreement has expired. The City incurs no liability for the subsequent sale of the plot(s) to other individuals.
- 4) Burial plots for interments or inurnments funded by Department of Social and Health Services (DSHS) will be selected by the City.
- 5) Lot owners wanting to sell burial plots back to the City will be paid one-half (1/2) of the current purchase price. This does not include the purchase of any cemetery services, endowment care, vaults, liners, etc.

### **8. PROPERTY RIGHTS OF PLOT OWNERS**

- 1) All plots conveyed to individuals are presumed to be the sole and separate property of the owner named in the instrument of conveyance. The spouse of an owner of any plot containing more than one interment space has a vested right of interment of their remains in the plot and any person thereafter becoming the spouse of the owner has a vested right of interment of their remains in the plot if more than one interment space is unoccupied at the time the person becomes the spouse of the owner.
- 2) No conveyance or other action of the owner without the written consent or joiner of the spouse of the owner divests the spouse of the vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.
- 3) In a conveyance of two (2) or more persons as joint tenants, each joint tenant has a vested right of interment in the plot conveyed. Upon death of a joint tenant, the title to the plot held in joint tenancy immediately vests to the survivors, subject to the vested right of interment of the remains of the

deceased joint tenant. A vested right of interment may be waived and is terminated upon the interment elsewhere of the remains of the person in whom vested. An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the plot is complete authorization to the City to permit the use of the unoccupied portions of the plot by the persons entitled to the use of it.

- 4) Where there are several owners of a plot, or rights of interment in it, they may designate one or more persons to represent the plot and file written notice of designation with the City. In the absence of such notice or of written objection to so doing, the City is not liable to any owner for interring or permitting an interment in the plot upon the request or direction of any co-owner of the plot.
- 5) No vested right of interment gives to any person the right to have their remains interred in any interment space in which the remains of any deceased person having prior vested rights of interment have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space in violation of the rules and regulations of the cemetery.

### **9. TRANSFER AND ASSIGNMENTS**

- 1) Upon the death of any owner of a lot or plot(s), the heirs, assignees and devisees of such decedent must furnish to and file with the City satisfactory proof of their ownership and all such papers shall remain with the records of the City. No transfer of any lot or plot(s) or interest will be valid without prior consent of the City.
- 2) The City may refuse to consent to a transfer or an assignment, as long as there is any indebtedness due the City from the plot owner of record.
- 3) All transfers of ownership in plots will be subject to a charge to be fixed by the City and paid at the time of transfer.

### **10. CONTROL OF WORK IN CEMETERY**

- 1) All grading, landscape work and improvements of any kind, and all care of plots, shall be done; and all trees, shrubs and herbage of any kind shall be planted, trimmed, cut or removed; and all openings and closing of graves and/or plots, interments, disinterments and removals shall be performed only by the City.
- 2) The City mowing schedule is on Monday and Tuesday of each week, except at time of funerals or inclement weather.
- 3) No chemicals of any kind may be used by anyone, except the City, around markers, plots or any other location within the cemetery.
- 4) Flowers may be placed on the graves. Flowers placed on graves may be removed for lawn mowing. The City shall have the authority to remove all floral design, flowers, weeds, trees, shrubs, potted plants or herbage of any kind from the cemetery plots as soon as (in the judgement of the management) they become unsightly, dangerous, detrimental or diseased, or when they do not conform to the standards maintained. The City shall not be liable for floral pieces, baskets or frames in which, or to which, such floral pieces are attached beyond the acceptance of such floral pieces for funeral services held in the cemetery. The City shall not be liable for lost, misplaced or broken flower vases; nor shall the City be liable for frozen plants or herbage of any kind or for the damage by the elements, thieves, and vandals or by other causes beyond its control.
- 5) No flowers, shrubs, trees, or any herbage of any kind shall be planted by anyone on any plot or other location within the cemetery, without the permission of the City.

- 6) Only 'permanent' type flower vases may be installed on the graves. Vases must be of a design and placed in a vase liner, which will allow the vases to be positioned flush with the ground when not in use and during cemetery grounds maintenance. The City recognizes that flower vases are vulnerable to theft and damage during the course of normal cemetery operations and maintenance; therefore, the City shall not be liable for the damage, theft or other loss of any flower vase placed in the cemetery.
- 7) The City shall install all vase liners for flower vases; the charges for which shall be reasonable and uniform. The City shall assume the responsibility for the proper installation of such liner. All charges for vases shall be paid in advance.
- 8) Any digging of holes to place any vase, jar, can, etc., other than by the City shall not be allowed. The plot owner will be charged the actual costs to repair any damage caused by digging to place any vase, jar, can, etc.
- 9) The placing of boxes, shells, toys, metal design, ornaments, chairs, settees, non-regulation vases, glass, wood or iron cases and similar articles upon plots shall not be permitted, and if so placed the City shall not be liable for loss and/or damage to said items, and, further, the City reserves the right to remove the same with no responsibility to hold or return said items.
- 10) All fittings, adornments, urns, inscriptions and nameplates for niches are subject to the approval, control and acceptance or rejection by the City.
- 11) Photographs, souvenirs, wreaths, flags or other emblems are allowed. If placed by individual plot owners, the sexton or assistant, at their discretion will remove them.
- 12) Artificial, dyed or preserved flowers, potted plants, or wreaths shall be prohibited from April 1 to November 1 of each year. All floral designs, flowers, potted plants or decorative displays, live or artificial and flags may be placed on any veterans grave one day prior to Memorial Day. The Friday following Memorial Day they will be removed.
- 13) All marker trimmings will be placed in the dumpster located at the cemetery shop.

## 11. ROADWAYS AND REPLATTING

The right to enlarge, reduce, replot or change the boundaries or grading of the cemetery or of a section or sections from time to time, including the right to modify or change the locations of, or remove or regrade roads, drives, walks or parkways, or any part thereof, is hereby expressly reserved. The right to lay, maintain, operate, alter or change pipe lines, gutters or sprinkler systems, drainage, lakes, power lines, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual lot owners for cemetery purposes, including the interring and preparing for interment of the human dead, or for anything necessary, incidental or convenient thereto. The City reserves to itself and to those lawfully entitled thereto, a perpetual right to ingress and egress over plots for the purpose of passage to and from other plots.

## 12. CONDUCT OF PERSONS WITHIN THE CEMETERY

- 1) Persons within the cemetery grounds shall use only the avenues, walks and roads, and any person injured while walking on the grass except that being the only way to reach his plot, or while on any portion of the cemetery shall in no way hold the City liable for any injuries sustained.
- 2) Children under fifteen (15) years of age shall not be permitted within the cemetery or its buildings unless accompanied by an adult.
- 3) All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery or plants.

- 4) No persons will be permitted to have refreshments within the cemetery.
- 5) Unauthorized persons shall not be permitted to sit or to lounge on the grounds, graves, monuments or markers in the cemetery or in any of the buildings. Loud talking or improper conduct will not be permitted.
- 6) The throwing of rubbish on the drives and paths or on any part of the grounds or immediately adjacent to the grounds or in the buildings is prohibited. Receptacles for waste materials are located at convenient places.
- 7) Automobiles shall not be driven through the grounds at more than fifteen (15) miles per hour.
- 8) Peddling of flowers, plants or soliciting the sale of any commodity, other than by the management or employees of the City is strictly prohibited within the confines of the cemetery.
- 9) No firearms shall be permitted within the cemetery except those carried by authorized personnel.
- 10) No signs, notices or advertisements of any kind shall be allowed in the cemetery unless placed by the City.
- 11) Dogs, cats, horses or any other pet shall not be allowed on the cemetery grounds or buildings, except animals used by the disabled.
- 12) The cemetery grounds shall be open from dawn to dusk and the lot owners shall be permitted to visit their lots at other times by special permission from the management.
- 13) No public address system or artificial illumination shall be used within the grounds without written permission from the sexton.
- 14) The sexton or assistants are hereby authorized and empowered to enforce the rules and regulations and to exclude from the cemetery any person violating the same. The sexton shall have charge of the grounds and buildings, and at all times shall have the power of supervision and control of the persons in the cemetery, including conduct of funerals, traffic, employees, plot owners and visitors.

### **13. FEES, GRATUITIES AND COMMISSIONS**

No person, while employed by the City, shall receive any fee, gratuity or commission except from the City, either directly or indirectly, under penalty of immediate dismissal.

### **14. PROTECTION AGAINST LOSS**

The City shall take reasonable precaution to protect lot owners within the cemetery from loss or damage; but it distinctly disclaims all responsibility for loss or damage caused by the elements, and acts of god, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots of order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

In the event that it becomes necessary to repair or reconstruct any marble, granite, bronze or concrete work on any section, plot or niche, or any portion or portions thereof, in the cemetery which has been damaged by the elements, an act of god, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots of order of any military or civil authority, the City shall give a ten (10) day written notice of the necessity of such repair to the plot owner of record.

## **15. CHANGE IN ADDRESS OF LOT OWNERS**

It shall be the duty of the lot owner to notify the City of any change in their address. Notice sent to a lot owner at the last address on file at the City Hall shall be considered sufficient and legal notification.

## **16. ENDOWMENT CARE**

- 1) The term "endowment care" used in reference to plots, lots and/or graves shall be held to mean the cutting of the grass upon said plots, lots and/or graves at reasonable intervals, raking and cleaning of the grounds, the pruning of the shrubs and trees that may be placed by the City; meaning and intending the general preservation of the plots, lots and/or graves and the grounds, walks, roadways, boundaries and structures to the end of said grounds shall remain and be reasonably cared for as cemetery grounds.
- 2) The term "endowment care" shall in no case be construed as meaning the maintenance, repair or replacement of any gravestones, monumental structures, memorials or flower vases placed or erected upon lots; nor the planting of flowers or ornamental plants; nor the maintenance or doing of special or unusual work in the cemetery; nor does it mean the reconstruction of any marble, granite, bronze or concrete work on any section or lot, or any portions thereof, in the cemetery or other building or structures caused by the elements, an act of god, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct, or collateral, other than as herein provided.
- 3) The money received for the endowment care shall be held in trust and invested as provided by law. It shall be the duty of the City clerk-treasurer to invest all sums of the money received and the City reserves the right, however, either to handle all investment itself, or to deposit said funds with any person, company or corporation qualified to act as trustee for such funds. The City clerk-treasurer as approved by the City Council shall make all investments of cemetery funds.
- 4) Endowment care, whether applied to lots, graves, or to any space within the confines of the cemetery, shall be limited absolutely to the net income received from the investment of the endowment care funds. No part of the principal may be expended, only the interest income therefrom for the maintenance and operation of the cemetery and in any manner or form consistent with the design and purpose of the City and according to the terms of any grant, devise or bequest.
- 5) The amount of said endowment care funds to be collected from the purchasers of the cemetery plots shall be determined by the City Council, after taking into consideration the absence or varying number of monuments in any section, the character of the ground and such other factors as tend to determine the necessary cost of the care of said lands; same to be required as a deposit for such purposes and deposited with the City at the time of payment of the purchase price.
- 6) The record books of the City, and the receipt issued by the City shall show the amount of the endowment care fund which has been required of the individual and set aside in each case.

## **17. RULES FOR MEMORIAL MARKERS**

- 1) Memorial markers of regulation size shall be permitted on graves and urn garden plots and may be of bronze, granite or marble of equal hardness, and they must be set level with the ground at the head of the grave or plot. The marker foundation must be placed by the City. Temporary grave markers, of any type, are expressly prohibited. Upright memorial markers and monuments are permitted only under certain circumstances and designed by the City.

- 2) The City assumes no responsibility for any memorial marker delivered to the City for foundation and/or setting unless such delivery has been acknowledged and approved, in writing, by the sexton or his assistants.
- 3) All memorial markers are subject to the approval of the City prior to placement, and acceptance or rejection shall be based upon the specifications as set forth in these rules and regulations:
  - a) Every marker delivered to the City must be accompanied by the name and address of the party responsible for foundation and/or setting charges and such other information as the City may determine necessary. All information must be in writing and delivered to City Hall. The City reserves the right to specify the form and content of any forms used to provide the required information.
  - b) Markers for adult graves shall be flush with the ground and shall be of one piece. A single marker shall be 24 inches in length and 12 inches in width and; a double marker to be placed on two graves shall be 36 inches in length and 12 inches in width. These will receive a four (4) inch, concrete border. Full granite markers for a single grave will be 32 inches in length and 20 inches in width; double full granite markers for two graves shall be 44 inches in length and 20 inches in width.
  - c) Grave markers for infants and children shall be flush with the ground and shall be 16 inches in length and 12 inches in width for a single marker. These will receive a four (4) inch concrete border.
  - d) Markers for the scattering garden shall be granite or marble with smooth finished edges. The markers shall be flush with the ground and shall be 16 inches in length and 8 inches in width. These will receive a brick border to be placed by the City.
  - e) No coping, curing, fencing, hedging, grave mounds, borders or enclosures of any kind shall be allowed around any lot or gravesite. No walks or paths shall be allowed on any plot, lot or gravesite. The City reserves the right to remove the same if so erected, planted or placed.
  - f) All foundations for memorial markers shall be installed by the City; the charges for which shall be reasonable and uniform. The City shall assume responsibility for the proper construction of such foundations. Charges for placement will be paid in advance.
  - g) The coloring, painting, enameling lacquering or bronzing of letter or other parts of stone or bronze work is prohibited.
  - h) Should any memorial marker become unsightly, dilapidated or a menace to visitors, the City shall have the right to correct the condition or remove the same, at the expense of the lot owner(s).
  - i) The City reserves, and shall have the right to correct any errors made by its employees or by any other persons in locating or placing a memorial marker in the cemetery.
  - j) Individual grave markers and concrete borders, which do not conform to the above rules, shall be corrected and/or reset to conform with said rules and a proper charge may be assessed.
  - k) Repairs to cracked, damaged or deteriorated grave markers or concrete borders are not the responsibility of the City, and can be replaced at the lot owner's expense.
  - l) No advertising of any description except that placed by the City shall be permitted within the cemetery or in or around any cemetery office or building.

## **18. CHANGES TO RULES AND REGULATIONS OF THE CITY**

- 1) Special cases may arise in which the literal enforcement of a rule might impose unnecessary hardship, therefore the City reserves the right without notice to make exceptions, suspensions or modifications in any of these rules and regulations when in its judgment the same may be advisable; and such temporary exception, suspension or modifications shall in no way be construed as affecting the general application of such rule.
- 2) These rules and regulations cancel and supersede all previous regulations. They may be revised, supplemented or otherwise modified only by action of the City Council; except that the Mayor may at any time revise the regulations for purposes of correcting errors therein or making editorial changes for clarification without Council approval and except that in an emergency situation the Mayor may make such reasonable modifications as he/she deems necessary, provided however, such modifications are reported to the City Council for approval at its next official meeting.