

Article 18-1 MUNICIPAL CEMETERY

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Section 18-1-1 Reaffirmation and Creation of Town Cemetery

It is hereby reaffirmed, established and created, on a parcel of real property located on Kellis Road, a Municipal Cemetery which shall hereafter be known as Wickenburg Municipal Cemetery, the legal description hereof is on file in the Office of the Town Clerk, title thereto having derived from the United States of America by Patent Number 1050119 dated September 29, 1931.

It is hereby declared to be a nuisance and shall be unlawful for any person to bury the body of a human being within the corporate limits of the Town except in the Cemetery organized and conducted in conformity with the laws of the State of Arizona. (§9-499.01, §9-240(b), (11)(b), §32-2194)

Section 18-1-2 Certain Past Transactions Affirmed

All previous interments are hereby reaffirmed to be legal, as to their families and survivors, and any illegal or irregular transactions in respect to previous interments, shall be resolved between the Town and third parties at no cost to family and survivors.

Section 18-1-3 Future Burials, Interments, Disinterments and Sales of Cemetery Plots

No burials, plot sales nor interments shall be accomplished without the express, written permission of the Town Clerk, or his/her authorized representative upon providing him/her with all proper documentation. Disinterment may be accomplished only with a Final Exhumation Order from the Arizona Superior Court, Maricopa County, Arizona or through a State of Arizona Disinterment Permit.

Section 18-1-4 Definitions **Ordinance No. 1161

- A. **"CASSET"** means a commercially made container or equivalent, constructed of wood, board, or metal, in which a human body is buried.
- B. **"CEMETERY"** means the Wickenburg Municipal Cemetery.

- C. **"CEMETERY DIRECTOR"** means the Town Manager or designee.
- D. **"CERTIFICATE OF RIGHT OF INTERMENT"** means the right to be buried in a specific plot as issued by the town.
- E. **"CONTRACTOR"** shall mean any person, firm or corporation or anyone engaged in placing, erecting, burying or repairing any memorial, or performing any work in the cemetery, other than an employee of the Town.
- F. **"DISINTERMENT"** shall mean the removal of the entombed or buried remains of a deceased person which can only be done through a Final Exhumation Order of the Arizona Superior Court, Maricopa County, Arizona or State of Arizona Disinterment Permit.
- G. **"GRAVE"/ "GRAVESITE"** has the same meaning as plot.
- H. **"INTERMENT"** shall mean the disposition of human remains by burial or inurnment.
- I. **"INTERMENT RIGHT"** shall mean the particular right to inter the remains of a deceased person in a specific interment space within the cemetery in accordance with a Certificate of Interment Right, subject to the limitations and regulations set forth herein.
- J. **"INTERMENT SERVICES"** shall refer to the opening and closing of a particular interment space/plot located in the cemetery.
- K. **"INTERMENT SPACE"** shall refer to the particular grave or niche within the cemetery to which a particular interment right relates.
- L. **"INURNMENT"** means placement of created remains into a niche.
- M. **"MEMORIAL"** shall mean any marker or structure upon or in any plot or niche, placed thereupon or therein or partially therein for the purpose of identification or in memory of the interred.
- N. **"NICHE"** means space used, intended to be used, for inurnment of cremated human remains.
- O. **"OUTER BURIAL CONTAINER"** shall refer to the rigid outer container used to surround a casket or a cremated remains container, and shall include the products commonly known as vaults and grave liners.
- P. **"OWNER"** shall mean the legal possessor of a Certificate of Interment Right.
- Q. **"PERPETUAL CARE"** shall mean that all plots for which interment rights are sold or transferred shall have "perpetual" care as herein defined, free of further cost to the purchaser after payment of the original purchase price.
- R. **"PLOT"** means space in the cemetery used or intended to be used for the interment of human remains. the term includes and applies to one (1) or more adjoining graves/plots, and/or one (1) or more adjoining niches.

- S. **"TOWN"** means the Town of Wickenburg and its successors and assigns.
- T. **"WICKENBURG MUNICIPAL CEMETERY"** shall mean the area set aside, dedicated and platted for the interment of human remains.

Section 18-1-5 General Operation **Ord. 1161

A. Management

The cemetery is owned by the Town of Wickenburg and shall be managed by the Cemetery Director or his/her designee as provided by resolution, from time to time. The Cemetery Director, with approval of the Council, may enter into contractual agreements with third parties to perform all or portions of day-to-day operation of the cemetery, provided such contracts conform to the provisions of Chapter 4, Article 4-4 Purchasing of the Town Code.

B. Records

The Town Clerk shall be responsible for maintaining all records of sales of cemetery plots and shall issue documents of sales or conveyances to the purchasers and grantees thereof in the name of, and for the benefit of, the Town.

C. Accounting And Funds

The Finance Director shall be responsible for maintaining records of all income, whether from sales of cemetery plots, incidental and administrative charges, deposits or donations, and for all expenditures, whether actually paid or apportioned as between the Town's administrative staff, derived from, or expended in connection with, the operation of the cemetery. It is not necessarily anticipated that the income received from the abovementioned sources will be sufficient to allow for the cemetery to be self-supporting; therefore, Council is hereby authorized to appropriate additional funds for the operation and maintenance of the cemetery.

D. Resident Indigent Burials

All indigent burials are handled by Maricopa County through the local funeral homes.

E. Right to Select Cemetery Plot

The Town Manager/Cemetery Director or his/her designated representative shall have the exclusive right to select the site of a cemetery plot for the sale or conveyance of cemetery plots. Upon request of survivors and family members, efforts may be made to allow selections of cemetery plot sites provided, however, the Town reserves the exclusive right to select the site of a cemetery plot or plots for sales and conveyances.

F. Creation Of Additional Plots

The creation of additional plots at the cemetery is expressly prohibited except by the Town. No other entity, contractor or funeral home may authorize the enlargement, reduction, re-platting or change in any of the

boundaries or conduct any grading in the cemetery or of any Section or Sections thereof, including the right to modify or change the locations of, or remove or re-grade, features, roads, drives, trees, shrubs, flowers, landscaping and walks without the written permission of the Cemetery Director.

G. Improvements At Cemetery

The Town shall have sole and exclusive authority with respect to the planting, sodding, surveying and all improvements within the cemetery grounds. Written authorization is required by the Cemetery Director prior to any improvements being performed. No tree, shrubs or bushes shall be planted on, near or adjacent to any cemetery plots. If any tree, shrub or plant, by means of its roots, branches, or otherwise, becomes detrimental to the interment space upon which it stands or any adjacent interment spaces or avenues, or if for any other reason its removal is deemed necessary, the Cemetery Director shall have the right to remove or require removal of such tree, shrub or plant, or any part thereof, or otherwise correct the existing condition. In the event of any such removal, neither the Town nor funeral home director shall have any obligation to replace the removed tree, shrub or plant.

H. Caskets and Alternative Containers

All ground interments shall be made in caskets or alternative containers. All such caskets or alternative containers shall be constructed from at least three-quarter inch (3/4") thick particle board of sufficient strength to support the weight of an adult human body. Alternatively, caskets or alternative containers constructed from cardboard, corrugated fiberboard, pressed paper or similar materials may be used if such caskets have been approved by the Cemetery Director after receipt of satisfactory proof by the funeral home that such casket has been adequately tested and shown to be of sufficient strength to support the weight of an adult human body. Effective for certificates of interment issued on or after March 18, 2016, alternative containers may be used to bury up to four (4) urns in one (1) gravesite. For sales of gravesites made prior to March 18, 2016, up to six (6) urns may be placed in one gravesite.


i. Option to Create Perpetual Care Funds

The Council, by ordinance, may create or order the creation of a perpetual care fund and provide for its source and use.

Section 18-1-6 Rules, Fees and Details of Operation *Ord. 1140 ** Ord. 1161

A. Fees

I. By resolution, from time to time, the Mayor and Common Council shall establish fee schedules setting for the sales and conveyances of cemetery plots, administrative fees, set-up fees, grave opening and closing fees, grave-site maintenance fees, recording fees, Cremain Niche fees and other miscellaneous fees and charges incidental to the orderly operation and maintenance of the Cemetery.


 Ord. 1097/11-11

*1140/6-14
**Ord. 1161/2-16

2. Payments for gravesites shall be made at either the Town of Wickenburg during regular business hours at 155 North Tegner Street, Suite A, or through the local funeral homes.
 3. Funeral Homes using the cemetery are responsible for the initial standard landscaping of the gravesites in the cemetery. The initial landscaping fee charged by the Funeral Homes shall not exceed an amount set by council resolution which shall include gravel and proper maintenance for one (1) year after burial.
 4. The Town is responsible for care of the gravesites after one (1) year.
 5. Any cemetery plots or certificate of right of interment sold or given to another individual, shall provide the Town with a notarized document with both seller and buyer original signatures and date of sale. Under no circumstances shall the Town accept faxed or reproduced/copied signatures. An administrative and recordation fee as established by council resolution shall be charged by the Town.
 6. Gravesite locations are awarded on a first-come/first-served basis.
 7. The Town will set up a payment plan for partial payments in lieu of a one-time payment in full for any grave site or sites for any plots on the "reserved" list. Payment arrangements shall be made through the Town Finance Department per Section 18-1-5.C. of this Chapter.
- B. Rules and Regulations for Operation and Maintenance of Cemetery
Council shall establish written rules and regulations necessary, convenient and proper for implementation of the provisions of this Chapter. Representatives of each funeral home located within the Town, under contract with the Town, shall be specifically invited to review proposed amendments and to provide input and comments.

Section 18-1-7 General Conditions **Ord. 1161 * Ord. 1162**

- A. Interment will be made only with a written permit (Certificate of Right of Interment) from the Funeral Home Director or Town. The permit shall contain as much of the following data as reasonably obtainable: name, age, date of death, date of burial, date of birth, place of birth of deceased, military service, and whether the decedent was married or unmarried. It shall also include the specific location of burial plot(s) or cremain niche(s).
- B. Disinterment may be conducted only with a Final Exhumation Order from the Arizona Superior Court, Maricopa County, Arizona or an Exhumation Permit from the State Of Arizona.
- C. The Town may, from time to time, make improvements to the Cemetery up to and including changing the layout of cemetery plots not sold if it's deemed to be in the best interest of all parties.
- D. Motor vehicles shall be driven only upon such roads within the Cemetery as the Town may designate. The maximum speed limit will be 10 miles per hour at all times. If a funeral is being conducted the speed limit of 10 miles per hour may need to be reduced for safety purposes.

 Ord. 1097/11-11

**Ord. 1161/2-16

***Ord. 1162/4-16

- E. A cemetery plot is not to be used for any purpose other than as a place of burial for human remains or as a memorial to deceased persons.
- F. Glass containers are not permitted on gravesites.
- G. Cemetery hours shall be from sunrise to sunset and shall be closed at all other times.
- H. No animals shall be allowed on the cemetery grounds with the exception of dogs certified as seeing eye, companion and/or service dogs.
- I. Limited double depth of the burial of a casket/vault is allowed per plot depending on the type of soil where the plot is located on the cemetery grounds. The request must be made prior to any burials occurring at the specific gravesite. If cremains are being buried, up to four (4) urns shall be allowed to be interred in one (1) plot. For certificates of rights of interment issued prior to March 18, 2016, up to six (6) urns shall be allowed in one gravesite.
- J. On an annual basis, each funeral home contracted with the Town shall, before undertaking any interments or disinterments, furnish the Town with a current Certificate of Insurance naming the Town of Wickenburg as an additional insured in an amount of not less than two million dollars (\$2,000,000.00). Said insurance shall insure the Town against all third party liability claims of any and all kinds related to the funeral home or Funeral Director's operation, or anticipated operation, conducted or to be conducted in the cemetery, save and except the Town shall be liable for its own negligence, gross negligence, or intentional acts and omissions. Additionally, any funeral home or Funeral Director, or their designees or subcontractors, agree to hold the Town of Wickenburg harmless for all third party liability claims of any and all kinds related to the funeral home or Funeral Director's operations, or anticipated operations, conducted or to be conducted in the cemetery.
- K. Any funeral home or Funeral Director licensed in the State of Arizona may contract with any other funeral home or Funeral Director for location of available gravesites or other assistance, and any contract fees or charges shall be handled and resolved by and between the contracting funeral homes and Funeral Directors.
- L. Removal (disinterment) of interred or inurned remains by heirs, owners or any other person having an interest in any interment rights for the purpose of reselling the interment rights shall be strictly prohibited.
- M. Decorations on individual gravesites including boxes, shells, toys, sprinkling cans, receptacles, artificial or natural flowers, or similar items shall be permitted to be placed on any grave space as long as it's kept within the boundaries of the individual gravesite. No curbing or permanent borders are allowed. If a family wishes special gravel and/or other decorations on a specific gravesite they may work with the Funeral Home Director to accomplish this. If, in the opinion of, the Cemetery Director, an item or items are unsafe and/or unstable, said items may be removed by Town Personnel.
- N. Neither the Town nor Funeral Director(s) shall be responsible for theft and/or damage to any personal property, including artifacts, headstones, personal effects, etc., placed on or near interment spaces or elsewhere on the cemetery grounds.
- O. Any person entering the cemetery grounds other than during posted visiting hours, without prior authorization in writing from the Cemetery Director shall be considered a trespasser.
- P. Vehicles driving through the cemetery grounds shall always be driven on the right side of the cemetery roadways. Vehicles are not allowed to turn around on the driveways or roadways and are not allowed to park or come to a full stop in front of an open grave, unless in connection with a graveside service.

- Q. No person shall be permitted to hunt any animals within the cemetery grounds.
- R. The cemetery grounds are sacred and devoted to the burial of the human dead. The provisions and penalties of the law, as provided by this Article and State Statute, will be strictly enforced in all cases of injury, disturbance and disregard to the Town's rules and regulations set forth within.
- S. Children under the age of twelve (12) years old shall not be permitted on the cemetery grounds unless accompanied by an adult.
- T. Bicycles, scooters of any type and motorcycles and motor bikes of any type are not permitted on cemetery grounds except when in attendance at a funeral or on cemetery business.
- U. Depositing of any type of litter/rubbish on the walkways, roads, grounds, graves, gravesites or anywhere on cemetery grounds is prohibited.
- V. No person shall willfully or maliciously deface, break, destroy, disturb, or remove a monument, grave stone, grave marker erected for a deceased person or mark, deface, injure, destroy or disturb any fence post, rail, plant, tree, decoration or wall within the cemetery grounds.

Section 18-1-8 Plot Markers And Landscaping **Ord. 1161 *Ord. 1162**

- A. The owner of a cemetery plot shall have the right to erect a headstone under the supervision of the Funeral Director(s) or the Cemetery Director. Headstones may be upright, flat, slanted or bevelled. The Cemetery Director may approve alternative headstones if he determines such alternative is generally consistent with the above requirements. In addition, the headstone shall comply with the following standards:
- Does not create a safety hazard
 - Contains no moving parts or sharp edges
 - Is manufactured of sturdy/long lasting materials; no wood or deteriorating materials are permitted
 - Has a professional appearance
- B. If a single cemetery plot is used for more than one (1) set of human remains, not more than three (3) markers shall be allowed on the gravesite. The markers shall contain all names, dates, etc. of all the deceased buried therein.
- C. The owner of a cemetery plot wishing to install a bench or other type of special ornamental headstone shall first receive written approval from the Cemetery Director. The proposed location, size, and type of ornamental headstone or bench will determine its suitability to the site. The special headstone shall be installed by a professional.
- D. New gravesites, during the time without a headstone, will be identified with a temporary legible marker furnished by the funeral home presiding over the burial.
- E. No vault shall be built either partly or entirely aboveground with the exception of cremation niches constructed by the Town on the cemetery grounds.
- F. Plot owners are prohibited from raising or depressing the surface of a gravesite above or below the surrounding ground.

- G. No shrubs, trees or plants are permitted to be planted on cemetery grounds without written approval from the Cemetery Director. If a shrub, tree or other type of plant is installed by a gravesite or anywhere else on the cemetery grounds without written permission it will, if deemed necessary, be removed immediately by the Funeral Director and/or Town Personnel.
- H. All flat markers are not required to be placed flush with the ground due to the topography of the cemetery. Care shall be given to make sure any protrusion will not be a safety issue.
- I. Permanent cemetery plot enclosures, curbing and boundary markers are strictly prohibited.
- J. The Town shall not be responsible for any defects in material or workmanship, errors or omissions relating to outer burial containers, memorials or foundations purchased from and/or installed by persons or entities other than the Town.
- K. The Town reserves and shall have the right to inspect the completed installation of outer burial containers, memorials, and foundations installed by others at any time. If a problem is found, the Funeral Director shall cause the correction of the problem to be taken care of immediately.

Section 18-1-9 Transfer of Plots *Ord. 1140 ** Ord. 1161

- A. Owners of a cemetery plot shall not transfer or assign any Certificate of Right of Interment for a plot, without prior consent, in writing, by the Town. Transfers shall require the owner to provide the Town with an original signed and notarized document by both the seller and buyer stating exactly what Certificate of Right of Interments are being transferred to whom and from whom and date of transaction.
- B. No conditional or partial transfer of interment rights and no sale or conveyance of an undivided interest therein, except to a person or persons who are already co-owners shall be permitted.
- C. Any funeral homes, funeral home directors and their personnel using the cemetery have no authority to give, trade, transfer, disinter or barter with any cemetery plots occupied or unoccupied at any time, for any reason. The Town owns the cemetery property which includes all current and future plots.

Section 18-1-10 Opening and Closing of Graves

- A. All interments and disinterments in the cemetery shall be performed only by qualified persons, firms, corporations, or under the direct supervision of funeral homes, funeral home directors and their personnel, licensed in the State of Arizona. Any party that inters or disinters or does any type of work in the cemetery shall provide the Town with a Certificate of Insurance outlined in Section 18-1-7.J. Disinterments shall be allowed only with a State Exhumation Permit or Court Order from Maricopa County Superior Court provided to the Town Clerk's office prior to disinterment. The Town reserves the right to do maintenance, make improvements, and do other necessary acts in the best interest of the cemetery.
- B. The Town shall be afforded at least forty-eight (48) hours notice before an interment unless a holiday falls during that period. All paperwork must be in the Town Clerk's office prior to burial.
- C. A five (5) day notice shall be provided to the Town Clerk's Office prior to an exhumation/disinterment. The exhumation of a body or cremains shall not be made without a Final Exhumation Order from the Arizona Superior Court, Maricopa County, Arizona (court order) or a State of Arizona Exhumation Permit; a copy of which shall be provided to the Town Clerk's office. An administrative fee covering the cost of exhumation

shall be paid to the town in an amount established by council resolution for each exhumation/disinterment. The exhumation fee shall be paid to the Town prior to the exhumation. If an exhumation is conducted, the Town shall not be responsible or under any liability for damage to any casket, case, urn or other items to the gravesite or adjacent gravesites. All repairs shall be made immediately by the company or funeral home director conducting the disinterment.


- D. State law requires that all out of town or out of state burials have a signed "Burial Permit" which allows for transfer of the body. A copy shall be provided to the Town Clerk's Office at least forty-eight (48) hours prior to said burial or transfer of human remains.
- E. All agreements for purchase of cemetery interment rights shall be on approved Town forms, supplied by the Town to all respective funeral homes contracted with the Town to conduct business at the cemetery and signed by an authorized representative of the Town Clerk's office or his/her designee.
- F. It shall be the responsibility of the funeral home and funeral director who conducted the interment to fill and repair sunken gravesites for a period of one (1) year from the date of interment. Failure of the funeral home or funeral director to correct the problem within three (3) working days after receipt of notice from the Town of the problem may result in the Town correcting the problem, in which case the Funeral Home or Funeral Director who conducted the interment shall be required to reimburse the Town a costs as established by council resolution. * Ord. 1140
- G. Any and all funeral homes, funeral directors, and subcontractors before and after interments or disinterments shall return any areas or items of every kind and nature to a condition equal to or better than the areas or items were prior to activity. The areas and items herein referred to shall include, but are not limited to, headstones and markers (moving and replacement), brick or block walls or other retainers or fences and groundcover landscaping. Brick or cement bordering type landscaping around any gravesites shall not be replaced if removed for any reason; it is prohibited in the cemetery. Any damages or disturbances not repaired or remedied to a condition equal to or better prior to damage or disturbance shall be resolved in one (1) or more of the following manners:
 - 1. The funeral home, funeral director, or their subcontractors shall, within ten (10) days after demand by the Town to repair and/or restore areas or items, remedy the situation to the satisfaction of the Town Cemetery Director. The Town may charge a reasonable administrative/inspection fee for the time and effort expended in issuing the demand and inspecting the results not to exceed an amount per notice and/or inspection of site as established by council resolution. * Ord. 1140
 - 2. The Town, at its option, may make the repairs and/or restoration to the items and/or areas and invoice the responsible party for its actual costs plus twenty-five percent (25%) administrative/inspection surcharge. Persons invoiced shall make full payment to the Town within ten (10) days of receipt of said invoice. If payment is not paid within the ten (10) day time period, the Town shall be entitled, in addition to the invoiced amount, to investigation, collection, and attorney fees from the party or parties in default of invoiced amount(s).
 - 3. In addition to either or both of the above remedies, the Town may, at its option, prohibit the funeral home, funeral director, or subcontractors with a cease and desist order from entering into (for business purposes), or in any way using or conducting any type of operations within the cemetery grounds until the debt is paid in full.

- H. The following shall apply to the new Section 10 and any future burials/interments in any Sections within the cemetery whenever possible:
1. There shall be no permanent borders or curbs allowed in the cemetery. Any borders or curbs damaged shall not be replaced but removed entirely from gravesite. Any gravesites that are not yet occupied and have no curb or border installed shall remain without the curb or border being installed once a burial has occurred. Only the gravesites with it currently installed and in good condition shall remain grandfathered.
 2. The funeral homes, contracted with the Town will make reasonable efforts to ensure all graves shall be permanently marked within one (1) year of burial. If this deadline can not be met, the funeral home director shall notify the Cemetery Director of the reasons for the delay.
 3. The planting of trees adjacent to gravesites is strictly prohibited. Other areas on the cemetery grounds may be available to plant memorial trees only with obtaining written authorization by the Cemetery Director. If an individual wants to plant a tree at on cemetery grounds and receives written approval from the Cemetery Director; only Pines, Palo Verde, and Mesquite Trees may be planted. No irrigation is available for any landscaping along gravesites. The Cemetery Director or his designee shall determine the location of any memorial trees planted on cemetery grounds.
 4. No permanent markers shall be placed in the scattering garden.

Section 18-1-11 Ownership of Cemetery Plot *1140 **Ord. 1161

- A. The ownership interest in a cemetery plot consists of the right of interment in said plot if purchased in full. The plot can be used for no other purpose than interment of human remains. The plot may be privately sold to another person if the plot is unoccupied and the provisions of Section 18-1-9(A) are met.
- B. Upon full payment for a Certificate of Right of Interment for a cemetery plot, a receipt will be provided by the Town Clerk's Office to the buyer. Every plot shall be subject to this Article and all State Statutes governing municipal cemeteries. No statement of any agent or employee of the Town, any individuals or funeral home personnel contrary thereto shall be binding to the Town.
- C. If ownership transfer is due to the death of one of the plot owners, the remaining plot owner shall be responsible for providing the proper documentation to the Town Clerk's Office reflecting the plot was legally given to same. Transfers or bequeaths are only allowed on plots that are unoccupied and a recordation and administrative fee shall be paid to the Town to complete the transfer in an amount established by council resolution.
- D. If the owner of a cemetery plots passes away, the plots become part or his/her estate to be administered by his/her executor. If there is no estate executor, then next of kin, or "majority beneficiary", may authorize the opening and closing of the grave for interment of any additional plots owned by deceased. The Cemetery Director shall be provided proof of executorships or majority beneficiary in the form of a will, statutory declaration or evidence of identity to transfer the ownership of any additional plots.
- E. If a person feels a plot(s) is his/her property, he/she must provide the Cemetery Director with a recorded cemetery deed evidencing such ownership prior to March 18, 2016, naming such person as owner. Such evidence may include a Town issued and dated receipt stating same. This must be provided in advance of any burial.
- F. Interment rights shall be purchased solely for the purpose of personal or family interment or the interment of the person designated in the purchase of the gravesite paperwork and not for the purpose of speculation.

*Ord. 1140/6-14

 Ord. 1097/11-11

**Ord. 1161/2-16

Section 18-1-12 Additional Regulations **Ord. 1161 *Ord. 1162**

- A. Only the cemetery plot owner or recognized immediate family member can authorize the placement of any monument works at the gravesite. Any monument works must be arranged through an authorized monument dealer adhering to all industry regulations.
- B. It is the cemetery plot or plots owner's responsibility to keep current the mailing address on file with the Town Clerk's Office current.
- C. Rights of interment in the cemetery shall not be subject to attachments, garnishments, creditor claims, or executions to satisfy debts, obligations or torts of any owner thereof.
- D. In every interment an outer container shall be used such as a concrete or fiberglass box or vault, or some type of liner made of stone, brick or concrete. In the case of cremains, a casket shall not be required to bury cremains. An urn to hold the remains is an approved burial method.
- E. The Cemetery Director shall not be responsible to provide any equipment for funerals or burials. Funeral homes, funeral directors and/or their subcontractors, shall be responsible for all labor, equipment, and materials necessary for excavation and backfill of gravesites, setting up and removing lowering devices, tents, chairs, and any and all items necessary to properly conduct gravesite activities and interments in the cemetery.
- F. The interment of two (2) caskets/vaults in one (1) gravesite double depth; or up to four (4) urns in a single plot is allowed with prior written permission when the plot or plots are purchased. The only exception to this provision is if the Cemetery Director tests the soil and finds it to be too rocky/solid for double depth burials. In all cases of multiple interments, there shall be only one (1) headstone allowed for all those buried in gravesite unless special circumstances are found by the Cemetery Director when advised of the situation in writing. For certificates of rights of interment issued prior to march 18, 2016, up to six (6) urns shall be allowed in one gravesite.
- G. Urns with human remain ashes shall be buried, at minimum, three feet (3') deep in the designated gravesite. Up to six (6) urns shall be allowed to be interred in one (1) plot for Certificates of Interment Rights issued prior to March 18, 2016 and, on or after March 18, 2016, up to four (4) urns shall be allowed in one gravesite.
- H. When instructions from plot owner regarding the location of an interment space in a plot cannot be obtained, the Cemetery Director or his/her designee may authorize the opening of the plot to see if it is the proper location, so as not to delay the funeral. The Town shall not be liable for any error made in taking this action.
- I. The Town shall not be responsible for compliance with any order not in writing or for any mistake made due to the lack of precise and proper instructions.
- J. The Town shall not be responsible for obtaining an Interment Permit, a Final Exhumation Order from the Arizona Superior Court or State Exhumation Permit, nor for establishing the identify of the person to be interred.
- K. The Cemetery Director shall exercise due care in authorizing a disinterment of human remains, but, in no case, shall assume any liability for damage to any body, casket, or burial case in the disinterment/removal process. The Cemetery Director shall have the right to require an appropriate agreement, signed by all parties, that such person(s) will hold the Town harmless from any liability claim or demand arising therefrom. Disinterments shall only be allowed by the Town if a Court Order or State Permit is provided to the Town Clerk's Office in advance of such action.

☼ Ord. 1097/11-11


Ord. 1161/2-16 *Ord. 1162/4-16

- L. Drinking intoxicants and the use of loud, obscene or objectionable language are prohibited on cemetery grounds. No picnics shall be allowed on cemetery grounds.
- M. Soliciting the sale of flowers, plants, trees, or any commodity is prohibited within the bounds of the cemetery.
- N. All questions regarding cemetery plots, services and burials shall be directed to the Cemetery Director or his/her designee. Appropriate arrangements for weekend or holiday needs must be made in advance with the Town.

Section 18-1-13 Headstone and Bench Placement Rules and Regulations **Ord. 1161

- 1. All persons planning to set a headstone will work with the Cemetery Director or Funeral Director for proper placement and alignment. If the headstone is set improperly, as determined by the Cemetery Director or Funeral Director, it will be removed and the individual that set the stone will be required to reset the headstone at no cost to the Town or Funeral Home. Funeral director shall notify the town when scheduling the placing of a headstone.
- 2. All headstones shall comply with section 18-1-8 Plot Markers and Landscaping.
- 3. One (1) headstone will be placed at the head of each grave site and centered. Headstones, whenever possible, will be placed in a straight line with the headstones to the left and right of the grave. This shall be up to the discretion of the Funeral Directors and/or Cemetery Director or his/her designee.
- 4. Placement Of Headstones And Benches/Ornamental Structures:
 - A. SINGLE REMAINS GRAVE HEADSTONES: under no condition shall the headstone be larger in width than the actual gravesite.
 - B. DOUBLE GRAVE HEADSTONES: under no condition shall the headstone be larger in width than the two (2) actual gravesites.
 - C. ONE GRAVESITE/MULTIPLE BURIED REMAINS: when one (1) gravesite is used for up to one (1) casket or four (4) urns or two (2) caskets double depth, not more than three (3) headstones shall be used for all those buried in the single plot. It shall be the responsibility of the Funeral Director to make sure the owner understands this and purchases headstones, bench or ornamental structure that is large enough to list all names, dates and other pertinent information the owner wants on the headstones.
 - D. BENCHES/ORNAMENTAL STRUCTURES: all persons wishing to install a memorial bench or some type of ornamental structure must first receive written approval from the presiding Cemetery Director or Funeral Director contracted with the Town. Once approved, the Funeral Director or Cemetery Director shall ensure soil compaction is tested to make sure it can handle the weight properly and that it is of industry standard approved dimensions.
- 5. Any deviation from the above rules is strictly forbidden except with written consent from the Cemetery Director or his/her designee is received in writing prior to any deviation.
- 6. The Town reserves the right to make changes to this Article to better serve the needs of the cemetery when appropriate.

**Ord. 1161/2-16

 Ord. 1097/11-11

Section 18-1-14 Lighting

1. All gravesite lighting shall be solar powered.
2. Any lighting installed shall be approved by the Cemetery Director or his/her designee to make sure it does not project on any adjacent headstone and/or gravesite.