

11-100. DEFINITIONS:

Family Lot: an area of six lots or more restricted to a group of persons related by blood or marriage.

Funding requirement: that portion of the purchase price equal to 15% of the purchase price, but not less than \$25, of a burial lot.

Interment: cremation and inurnment or burial of the remains of a deceased person.

Lot: a grave

Memorial: is a monument, grave marker, or headstone identifying a grave or graves or a nameplate with inscription identifying a casket space.

Monument: Upright memorial made principally of stone.

Owner(s): the person or persons to whom the Cemetery has conveyed a burial right or rights to a person or persons who have acquired such rights by transfer in accordance with the rules of the Cemetery or a person or persons who hold such burial right or rights by inheritance.

Purchasing price: the gross amount, less sales tax, if any, less any amount included in the total for the funding requirement to be paid for cemetery burial space.

Sexton: the office of the person or persons who are in charge of the cemetery, often referred to as the caretaker of a cemetery.

Single grave: a grave for one person

Urn: a container used for cremated remains.

Vault: a concrete container used for the burial of caskets.

11-101. APPLICATION OF CITY LAWS. All provisions of the city code now in force or hereafter enacted, relating to and defining public offense in the city, shall, insofar as the same shall be applicable, be in full force and effect in the cemetery of the city. (Code 1988).

11-102. UNLAWFUL ENTRY. It shall be unlawful for any person or persons, other than duly authorized officers, officials or employees of the city, to enter into or be upon the cemetery grounds of the city during the time between one hour after sunset and one hour before sunrise of any day without first obtaining the permission of the city council. It shall further be unlawful at all times for any person to enter or leave

the grounds other than by the established and open entrances or gateways thereto. (Code 1988).

11-103.           TRESPASS, LOITERING; EXCEPTIONS. It shall be unlawful for any person to loiter or trespass upon lots and graves of the city cemetery or for the parent or guardian of any child under the age of 16 to permit such child to be within the cemetery grounds unless accompanied by an adult person. Provided, nothing herein shall be construed to prohibit any person having lawful business in the cemetery in connection with improvement thereof of persons visiting the graves of relatives or friends from being in the cemetery in accordance with the rules. (Code 1988).

11-104.           SPEED OF VEHICLES. It shall be unlawful for any person to drive any vehicle in the cemetery faster than 10 miles per hour. (Code 1988).

11-105.           OPERATIONS OF VEHICLES/PARKING. It shall be unlawful to drive or move any vehicle within the cemetery except over a roadway open for vehicular traffic or to obstruct any path or driveway within the cemetery open to vehicular traffic. No person shall use the cemetery grounds or any driveway therein as a public thoroughfare nor drive any vehicle through the grounds except for the purpose of making deliveries in connection with cemetery work or other lawful purposes. (Code 1988).

11-106.           GRAVE DECORATIONS. The placing of cut flowers or artificial flowers over individual graves shall be permitted; however, the city shall not be responsible for the care of such flowers or the containers that they are placed in. Artificial or cut flowers in approved permanent monument vases are permitted year-round in the cemetery. Nothing shall be placed on any grave or lot except memorials, monuments or grave markers, flowers in permanent monument vases, monument wreaths, and small American flags.

Further, the city may remove, without notice, all flowers, real or artificial and containers, that interfere with maintenance or mowing. Any flowers placed on Memorial Day may be removed after 15 days without notice. However, the city shall not remove any flowers, real or artificial, that are placed in permanent monument vases, or the flowers on the monuments, that do not interfere with the up-keep of the cemetery grounds. (Ordinance 1201, effective October 20, 1994)

11-107.           RUBBISH; DEBRIS. It shall be unlawful for any person to dispose of any rubbish, trash, waste materials, litter, or debris of any kind in the city cemetery. (Code 1988).

11-108. PROPERTY DAMAGE. Subject to the established rules and regulations, it shall be unlawful for any person to remove, molest, injure, mar, deface, throw down or destroy any headstone, monument, survey marker, corner marker, tomb, vault or mausoleum, or decoration on any cemetery lot in the cemetery, or to open, disturb or molest any grave or place of burial therein. (Code 1988).

11-109. TREES, SHRUBS AND FLOWERS. It shall be unlawful for any unauthorized person to plant any tree, shrub or other plant in the cemetery unless approved by the city governing body. It shall be unlawful for any unauthorized person to cut down, injure, break or destroy any tree, shrub or other plant growing in the cemetery or to pick, pluck or cut any flower or decorative plant except as authorized by the cemetery rules. (Code 1988).

If the removal of any tree, shrub or plant standing upon any lot or plot is deemed necessary, the city shall have the right, and it shall be the city's duty to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as in the city's judgment seems best.

11-110. OAKLAWN CEMETERY FUND AND CEMETERY RESERVE FUND FOR OAKLAWN, POLLMAN AND THE LA CYGNE CEMETERY.

(a) The City of La Cygne, Kansas shall maintain in a Cemetery Reserve fund a percentage of the purchase price based upon the funding requirement. Funding requirement means that portion of the purchase price equal to 15% of the purchase price, but not less than \$25, of a burial lot (K.S.A. 2019 Supp. 17-1301c).

(b) The funding requirement as described in paragraph (a) shall be set apart by the City Clerk and/or City Treasurer of the City of La Cygne, Linn County, Kansas in the Cemetery Reserve fund. The clerk or treasurer of said city is hereby authorized to invest, reinvest, exchange, retain, sell and manage the monies within such fund. If the clerk and/or treasurer of said city shall entrust the custody of the reserve fund to a bank or banks, the amount of the money in the custody of such bank shall not exceed the amount for which deposits in such bank are insured by the Federal Deposit Insurance Corporation or other insurer approved by the State Bank Commissioner.

(c) The remaining purchase price as described in paragraph (a) shall be maintained in the Oak Lawn Cemetery fund and used exclusively for the maintenance of the Oaklawn cemetery, Pollman cemetery and La Cygne cemetery. Such maintenance shall include but not be

limited to mowing, road maintenance and landscaping, administrative costs, expense of audits and any capital expense for mowing and/or trimming equipment used to maintain portions of the cemeteries.

(d) It shall be the duty of the City clerk and/or City treasurer of the City of La Cygne, Kansas to keep an account of all monies received by him/her from the sale of lots, graves, deed transfers and donations for the Oak Lawn cemetery, Pollman cemetery and La Cygne cemetery. All monies coming into his/her hands from the sources specified in this section shall be kept separate from the general fund or reserve of said city.

11-111. HEADSTONE; MARKER. Any headstone, monument, survey marker, corner marker, tomb, vault or mausoleum, or decoration placed on any burial plot or space shall comply with the rules and regulations established by the Governing Body or its authorized representative as appointed by the city council. (Ordinance 1201, effective October 20, 1994)

A. PERMIT: Before any memorials or marker work is started in the cemetery by anyone, a permit shall be obtained from the City Hall. The permit shall state the name of the contractor doing the work; the location of the work; the type of memorial or marker; and any, such information necessary to determine that the proposed work will comply with the cemetery rules and regulations.

B. Any memorial/marker which is not set according to the rules and regulations of the cemetery will be corrected by the contractor at the contractor's expense and contractor will not be issued any permit for work until such correction is made.

C. Monuments/Markers Installation: Monuments and markers shall be placed on a minimum of ten (10) inch depth concrete, the same length and width of the base of the monument/marker; shall have a minimum of two (2) concrete cores extending a minimum of the height of the monument or thirty-six inches, whichever is greater, below the bottom of the foundation; having at least one (1) core for every eighteen (18) inches of the length of the monument/marker base.

D. Foundations shall be washed after setting to eliminate rough visible cement and all cement is to be kept level at the elevation of the existing grade. A common foundation will be allowed for two or more memorials/markers on the same lot or more than one grave space.

11-112. SALE OF LOTS. The price of lots, or portions thereof, shall be as set by resolution in the fee and fine schedule of the City Codes book of the City of La Cygne,

Kansas.

A. Cemetery conveyances – Deed.

All cemetery deeds shall be issued to the purchaser thereof under the seal of the city and the same shall be signed by the mayor and countersigned by the clerk. All persons desiring to purchase cemetery lots or grave space shall apply to the city clerk at the clerk's office and upon payment of the purchase price thereof shall be entitled to a certificate conveying such rights to the cemetery lot as shall be authorized by law. All such certificates shall be recorded in the office of the city clerk.

B. Same-Rights Conveyed

Cemetery lot conveyed by certificate signed by the mayor and countersigned by the city clerk under the seal of the city, specifying that the purchaser to whom the same is issued is the owner of the lot or lots described therein by number, as laid down on the cemetery map or plat, for the sole purpose of human interment. Such certificate shall vest in the purchaser, the purchaser's heirs and assigns, a right in fee simple to such lot or portions thereof, for the sole purpose of interment, under the regulations of the governing body.

C. Transfer of Titles; approval required.

The title to cemetery lots, or portions thereof, may be transferred to other persons by a quit claim deed by the owner thereof, but no such transfer shall be valid until approved by the city governing body.

Transfer Fee: Before any such transfer will be recognized by the city as valid, a quit claim deed transfer fee as set by resolution in the fee and fine schedule of the City Codes book of the City of La Cygne shall be paid to the city clerk, and the instrument shall be recorded by the city clerk in the cemetery lot registry.

11-113.

Interment.

No Burials shall occur without permission from the City of La Cygne.

The use of one grave space shall be limited to interments as follows unless otherwise permitted by the city governing body:

- I. One adult burial, or
- II. One adult burial and one infant burial, or
- III. One adult burial and one urn of cremated remains, or
- IV. Four urns of cremated remains.

A. No burial of a casket will be made unless there has been provided an outer

container (vault) or receptacle of concrete or such other material which the Cemetery will deem to have comparable strength or resistance to deterioration.

- B. The scattering of cremated remains over a family lot is prohibited. Cremated remains must be buried but are not required to be in an urn or vault. Buried cremated remains must be placed at least 3 feet below the ground surface.

11-114.

Care of cemetery.

- A. The general care of the entire cemetery grounds performed by the Cemetery Sexton and/or city employees to include; mowing/edging grass, pick-up fallen limbs and trash/debris, maintain and repair all machines and tools used at the cemetery for general care.
- B. No laborers, except Cemetery Sexton an/or city employees, shall be allowed or permitted in the cemetery for construction of any kind, without special permission of the city governing body stating the exact nature of the work to be performed and the location.
- C. The Cemetery will not be responsible for the maintenance, repair or replacement of any memorial, marker or monument erected upon lots or plots, nor the doing of any special or unusual work in the cemetery; nor the reconstruction of any marble or granite work on any section, lot or plot, or any portion or portions thereof in the cemetery caused by elements, acts 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.
- D. Employees of the city are not permitted to do any work for lot or plot owners except upon order of the city governing body.