

Chapter 4

CEMETERIES

7-4-1: CEMETERY BOARD:

- A. Creation; Membership; Salaries: There is hereby established a cemetery board for the city which shall consist of five (5) volunteer members, who will receive no salary, and a cemetery director, whose salary will be determined by the city council.
- B. Appointment: Volunteer members shall be appointed by the mayor and confirmed by the city council and shall serve at the pleasure of the mayor.
- C. Vacancies: Vacancies occurring otherwise than by expiration of a term shall be filled in the same manner as original appointments, and such person is to serve for the duration of the unexpired term of the member succeeded.
- D. Term Of Office: The term of each volunteer member shall be staggered in such a manner that the terms of no more than three (3) members shall expire in any one year. The term of office of each appointed volunteer member shall be four (4) years. Terms of volunteer members shall be limited to two (2) full consecutive four (4) year terms without specific concurrence by two-thirds ($\frac{2}{3}$) of the city council.
- E. Officers: Within twenty (20) days after their appointment, and every two (2) years thereafter, the members of the cemetery board shall meet and organize by electing one member chairperson and electing such other officers as they may deem necessary. The chairperson shall vote only in case of a tie vote.
- F. Quorum: The cemetery board must have a minimum of three (3) members present to conduct business.
- G. Purpose: The board shall function only in an advisory capacity to the mayor and city council and provide advice and assistance to the cemetery director.
- H. Duties And Responsibilities: The duties and responsibilities of the cemetery board shall be as follows:

1. To ensure that cemetery services are provided to the public at reasonable rates.
2. To ensure, in all ways possible, that the cemetery is operated in an efficient businesslike manner.
3. To ensure the contributions to the cemetery fund are adequate to provide care of the facilities in perpetuity.
4. To ensure that minutes of board meetings are kept and the originals of the same forwarded to the city council.
5. To submit a monthly report on cemetery activities to the city council.
6. To create and recommend to the city council for adoption a master plan for the development of the cemetery lands, facilities and rules and regulations for the proper conduct and operation of the cemeteries of the city.
7. To advise and assist the cemetery director where appropriate in cemetery operations. (Ord. 451, 7-12-2005)

7-4-2: CEMETERY DIRECTOR:

- A. Position Created; Appointment: There is hereby created within the city the office of cemetery director, who shall be appointed by the mayor with approval by the city council in accordance with the authority granted by Idaho Code section 50-204.
- B. Duties And Responsibilities: The position of cemetery director may be a part time position, whose duties and responsibilities shall be as follows:
1. To oversee the operation of the city cemeteries, lands and services.
 2. To ensure that staff and maintenance personnel are available to accomplish maintenance and operational tasks in the cemetery.
 3. To ensure that cemetery records are kept current and are protected in perpetuity.
 4. To ensure that an inventory of lots, land, buildings and equipment is kept and maintained.
 5. To work with the cemetery board to provide necessary information and advice to the city council for the proper conduct and operation of the cemeteries and a master plan for the development of cemetery lands and facilities. (Ord. 409, 12-11-2000)

7-4-3: CEMETERY FUND:

(Rep. by Ord. 486, 4-8-2008)

7-4-4: RECORDKEEPING:

(Rep. by Ord. 486, 4-8-2008)

7-4-5: LOT SALES:

- A. Rules And Regulations; Use Of Lots: All lots shall be sold subject to the rules and regulations now in force or which may hereafter be adopted and shall be used for no other purpose than for the burial of human dead.
- B. Price Of Lots: The price of lots and services will be set by resolution adopted by the city council. All prices are subject to modification by the city council. No warranty of specific care or maintenance to individual lot areas or monuments is given by the city. As a city cemetery the care and maintenance provided is what would be reasonable for the city cemetery under the funding restraints of the city of Rathdrum's budget.
- C. Payment In Full: Payment in full is required to purchase or reserve a lot.
- D. Transfer Or Assignment: All transfers or assignments of any lot or block shall be on the form provided by the city clerk and notarized, with copy of the executed form delivered to the city clerk in order for the transfer or assignment to be valid.
- E. City Repurchase: At the city's discretion, the city may elect to purchase back from the owner at the original purchase price a cemetery lot that is unused. (Ord. 498, 3-10-2009)

7-4-6: PERPETUAL CARE:

Fifty percent (50%) of the net price of each lot shall be deposited in a maintenance account which shall be invested under and by the direction of the mayor and city council in such bonds, savings accounts or investments as the city is authorized to make and such funds may only be used for capital improvements or acquisition of additional land until there is inadequate revenue from the sale of lots less this portion thereof for the maintenance of the cemetery, at which time such funds may be used for the maintenance. (Ord. 409, 12-11-2000)

7-4-7: INTERMENT PROVISIONS:

- A. Certificate Required: No interment will be permitted, nor shall any body be received for burial, unless a proper certificate is furnished to the city clerk setting forth the name of the deceased, the residence of the deceased at the time of his or her death, the name of his or her nearest relative and the time, place and cause of death.
- B. Interment Process: A form shall be filled out at city hall by the next of kin or person in care of the deceased that begins the interment process. The death certificate as mentioned above shall be attached to the form. To conduct the interment the appropriate fees such as an opening and closing fee and temporary marker fee, as established by resolution shall be paid.
- C. Notification Of The Parks And Recreation Director Or Designee Required: At least twenty four (24) hours' notice must be given to the parks and recreation director or designee before an interment. Such notice shall give the size of the case proposed to be used and the location of the grave.
- D. Interments Per Grave Or Niche Limited:
1. Old section: Only one casket interment shall be in one grave, except that a parent and infant, or two (2) children may be placed in one casket, or one interment and six (6) cremains in the lot or eight (8) cremains only in the lot.
 2. New section (north of Division Street): Only one interment shall be made in the grave, except that a parent and infant, or two (2) children, may be placed in one casket, or one interment, and one cremains in the lot or two (2) cremains only in the lot.
 3. Only one cremains will be allowed in each niche space.
 4. All cremains are to be placed in a nonperishable container prior to internment in either a grave or a niche space.
- E. Consent Required: No interment or disinterment shall be made except under the direction of the city and upon written consent of the record owner of the lot, his or her surviving spouse and/or members of the immediate family.
- F. Veterans Section: Interment in the veterans section shall be only for that of the veteran and spouse.
- G. Liability Of City:
1. Damages: The municipality shall not be liable for any damage done to any casket, burial case or urn incurred in making removal.
 2. Mistakes: The municipality shall not be held liable for any mistake made in the issuance of the interment permit nor for any mistake of identity of the person interred. The municipality shall not

be held liable 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 or location of the plot where interment is made.

H. Sundays And Holidays: No interment, disinterment or removal shall be permitted on Sunday or any of the following holidays: Memorial Day, Fourth of July, Thanksgiving, Christmas, New Year's Day and any legal holidays recognized by the city; provided, however, that when the interment has been ordered within twenty four (24) hours after death by the health officer, such interment may be made on such days. (Ord. 498, 3-10-2009)

7-4-8: GRAVES; GRAVE AND NICHE MARKINGS:

A. Enclosures Prohibited: No enclosure of any nature shall be allowed on or around any lots or blocks.

B. Block Or Lot Markings: Each block or lot shall be marked by an iron pin or pipe at each corner level with the ground.

C. Grave Mounds Prohibited: Grave mounds are not permitted.

D. Care Of Graves: Graves shall receive the same general care as other parts of the lawn.

E. Grave Monument And Marker Restrictions:

1. Steel Reinforced Collar: There shall be constructed a steel reinforced collar four inches (4") wide around the base at the bottom of each monument, the top of which shall be flush with the surrounding ground level. (See exhibit B attached to ordinance 409 on file in the office of the city clerk.)

2. Permanent And Temporary Grave Marker: A permanent grave marker shall be provided by the next of kin or person in charge of the deceased within nine (9) months of the interment. Prior to interment a temporary marker fee is paid (unless a niche fee is paid). The temporary marker fee is for marking the gravesite prior to the permanent marker and/or for sites that end up without a permanent marker. The temporary grave markers are such that they retain or nearly retain their original condition for several years and shall be deemed permanent markers for city purposes. The city clerk shall assess a charge established by resolution for marker placement for each lot. Said marker shall contain the information required in subsection [7-4-7A](#) of this chapter.

3. Prohibited Markers: No wooden, plastic or glass markers are allowed.

4. Improper Or Unsightly Monument Or Inscription: The cemetery board may make recommendations to city staff regarding improper or unsightly monuments or inscriptions. Any

monument, effigy, structure or any inscription or sign placed upon any block or lot which, in the opinion of the city staff designated to review such issues, is improper or unsightly will be removed.

5. Placement Of The Permanent Grave Marker: All interments require the individual in charge of the burial or monument company to request a verification by the parks and recreation director or designee of the correct location for placement of the permanent grave marker. A fee for the verification will be required and set by city resolution.
6. Flush Markers: All monuments and markers shall be flush to the ground, except for the monuments and markers in the portion of the cemetery identified as the older section.

F. Niche Markers:

1. The purchaser of the niche space or the person responsible for the interment of a cremain shall be responsible for the cost of a niche door, including engraving and installation. A small vase may be attached to the door or niche wall where designated by the cemetery director. A blank door will be provided by the city until an engraved door is in place.
 - a. No other nameplate will be allowed except for veteran administration nameplates made of bronze and measuring eight and one-half inches by five and one-half inches (8¹/₂" x 5¹/₂").
 - b. When a cremain is removed from a niche space with a nameplate, the person making the request to remove the cremain will be responsible for a new niche door. (Ord. 498, 3-10-2009)

7-4-9: LANDSCAPING:

- A. No glass containers are permitted in the cemetery.
- B. No shrubs, plants or trees shall be planted on lots or blocks. Pine trees may be planted around the perimeter of the cemetery under the supervision of the cemetery director.
- C. All persons are prohibited from gathering or taking away any flowers, wild or cultivated, or breaking, damaging or destroying any shrub, plant or tree upon the cemetery grounds. (Ord. 409, 12-11-2000)

7-4-10: SETTING OF HEADSTONE:

- A. Initial Inspection: All headstones are to be inspected by the cemetery director, or the cemetery director's designee, before being erected. Headstones shall be inspected to assure compliance

with cemetery rules and regulations.

B. Placement Of Headstones:

1. Headstones are to be centered on the west edge of any given lot, with the inscription facing east or facing south at the southern edge of block 55, lots C, D, E and F, blocks 84, 85, 114, 143, 144, 173 and 174, lots A through F.
2. Headstones must be flush to the ground within the second addition.
3. Collars on all headstones must be flush with the surrounding turf.

C. Final Inspection: Final inspection of each headstone is required after it is in place to ensure compliance with surrounding areas. (See exhibit B attached to the ordinance codified herein on file in the office of the city clerk.) (Ord. 409, 12-11-2000)

7-4-11: RULES OF CONDUCT:

- A. Prohibited Acts: All persons are prohibited from writing upon, or in any manner defacing, injuring or marring any monument in the cemetery. No person shall engage in any games of amusement, washing cars, sunbathing or any other activities unrelated to the proper use, order and decorum of the cemetery.
- B. Animals Running At Large: No dogs or other animals are permitted to run at large on the cemetery grounds.
- C. Speed Of Vehicles: No horsedrawn or motor vehicles shall be driven upon the cemetery grounds at more than five (5) miles an hour. (Ord. 409, 12-11-2000)

7-4-12: PENALTY:

Any violation of the provisions of this chapter shall be punishable as a general misdemeanor and is subject to the penalty provisions as provided in section [1-4-1](#) of this code. (Ord. 409, 12-11-2000)