



ARTICLE II -CEMETERIES

Cemeteries closed during certain hours.

The City cemeteries shall be closed to the public from dusk until dawn.

Platting and Sale of lots or blocks.

- (a) Platting – Fairview -Maple Grove Cemetery shall be platted into lots and blocks by the City of Denison, who shall prepare, maintain and keep in his office a plat of the cemeteries as a public record.
- (b) Sale of Lots or blocks. Such lots and blocks shall be sold for cash by the City of Denison by a process established by the city council and on file in the office of the city secretary.
- (c) Execution of deed. The deed on conveyance of any such lot or block shall be executed by the superintendent or his designee, and all such lots and blocks shall be sold in strict accordance with the terms of this chapter.
- (d) Permission for buying or selling. No lot or block in either of such cemeteries shall be Bought or sold without written permission from the superintendent, and all titles to Such lots or blocks shall pass through the city.
- (e) Recording Fee. There shall be a recording fee, as established by the city council and on file In the office of the city secretary, for recording any change in title or ownership in any lot or block in either of the cemeteries after the initial conveyance of the lot or block by the city.
- (f) Permit fees. Fees for permits for concrete work and interments shall be established by the city council and are on file in the office of the city secretary.

Payment for lots or blocks required prior to interment – No interment in the cemetery shall be made On any lot or block unless the payments have been made prior to the city of Denison.

- (a) *Permit required.* An application for burial must be filed with the Superintendent or his or her designee and a special permit in writing shall be obtained for all interments. A fee established by the city council and on file in the office of the city secretary shall be paid for each permit issued under the terms of this section. Any permit obtained after the burial shall be assessed a late fee and/or penalty as established by the city council and on file in the office of the city secretary.
- (b) *Location of site.* The city shall not be responsible for errors in location or for locating lots.
- (c) *Permit for grave digging services.* No person shall perform any grave digging services in cemeteries owned and operated by the city without first having obtained a permit in accordance with the terms and provisions of this section. Any person desiring to dig graves in the city cemeteries shall file with the Superintendent a corporate surety bond payable to the city in the amount of five thousand dollars (\$5,000.00), conditioned that the principal shall well and truly perform all contracts entered into by him for the opening and closing of graves in the city cemeteries and conditioned further that the principal shall pay any and all damages to the city or any third party incurred because of such service.
- (d) *Twenty-four-hour notice required.* A twenty-four-hour notice to the Superintendent or his or her designee shall be required for the preparation of a grave for burial.
- (e) *Grave depth.* All graves shall be excavated to a depth which will permit a minimum of twenty four (24) inches between the top of the permanent-type container and the ground surface.
- (f) *Grave backfilling.* All graves shall be backfilled and force-settled by hydraulics or mechanical means to the satisfaction of the Superintendent or his her designee.
- (g) *Permanent containers.* All interments shall be made in a permanent-type concrete box, concrete vault or metal vault which will prevent settling and collapse of grave sites. Concrete boxes and vaults shall be reinforced with wire mesh and be a minimum of one and one-half (1½) inches thick. Metal vaults shall be a minimum of sixteen (16)-gauge thickness.
- (h) *Charge by owner prohibited.* No owner of any lot or block shall charge for any interment made thereon.

- **Monument, Tombstone, and Concrete Foundation Work**

- (a) *Permit required.* Prior to performing any work, a person desiring to erect monuments or tombstones or perform concrete work in the city cemeteries shall first obtain a written permit from the Superintendent or his or her designee, and shall meet with an agent of the city to locate the gravesite where the stone is being constructed. The person performing the work must comply with all rules, specifications and requirements of the city in regard to such cemeteries.
- (b) *Fee.* A fee as established by the city council and on file in the office of the city secretary shall be paid for each permit issued under the terms of this section. Any permit obtained after the monument or tombstone has been erected or the concrete work has been done shall be subject to a penalty.
- (c) *Bond.* Prior to the issuance of any such permit, the applicant shall file with the Superintendent or his or her designee a corporate surety bond payable to the city in the amount of one thousand dollars (\$1,000.00), conditioned that the principal shall well and truly perform all contracts entered into by him for the erection of monuments or tombstones or the performance of concrete work in the city cemeteries and conditioned further that the principal shall pay any and all damages to the city or any third party incurred because of the erection of monuments and tombstones or the performance of concrete work in the city cemeteries by the principal.
- (d)

Performance of work. Concrete for use on any lot or block shall be mixed and prepared in the streets of the city cemeteries and the person performing such work shall, upon completion, immediately remove all remaining sand, gravel, tools and other equipment from the cemeteries and leave the streets in the same condition as before the work was performed and, in addition, shall thoroughly clean the lot or block upon which such work was done of all trash or litter and remove the trash or litter from the cemeteries. Work will not be considered complete until meeting the specifications of the City of Denison and passing a final inspection by the Superintendent or his or her designee.

- **Construction prohibited.**

No construction of any nature or kind, such as curbing, fencing, coping or enclosure of any kind, whether of vegetation or construction, around any block or lot within the cemeteries will be permitted. No reconstruction of any of the existing items mentioned in this section shall be permitted, except monuments and tombstones.

- **Granite, bricks, stones and walkways.**

No granite, bricks, stones, wood, concrete, cornerstones or any kind of artificial walkways or walks will be permitted on or adjoining lots in the cemeteries, except such walkways or walks as may have been provided or will be provided in the cemeteries by the city.

- **Monuments, Tombstones, and Concrete Foundation Work**

(a)

Authority to inspect. The city shall have the right to inspect all memorials before the same are placed on the foundations thereof, and may refuse the placing of any memorial on such foundation if the agent of the City of Denison finds that such memorial is not in compliance with any of the provisions of this section or that the workmanship has not been done in a skillful, workmanlike manner.

(b)

Responsibility. Dealers or contractors who erect, install, construct or deliver memorials within the cemetery shall be responsible for the compliance with the provisions of this section and specifications.

(c)

Authority to require removal and/or replacement. The city shall have the authority to require removal and replacement of any memorial which is erected, installed, damaged or constructed in a manner that is not in compliance with any of the provisions of this section or that the workmanship has not been done in a skillful, workmanlike manner.

(d)

Temporary grave marker. At the time of interment a temporary grave marker must be placed. The marker should include the name, date of birth and date of death of the deceased, and the name of the funeral home. Within one year of interment the temporary marker must be replaced with a permanent monument in compliance with all the provisions of this section.

(e)

Specifications. All monuments and tombstones shall be set on concrete on a twenty four-inch-thick (24) concrete foundation with a minimum width of twenty (20) inches. Any variances from this specification must be requested and receive approval by the Superintendent or his or her designee.

(1)

Monuments can be upright: One (1) marker per grave not to exceed forty-two (42) inches in width for a single lot
→ and not to exceed ninety (90) inches in width for a double lot.

(2)

All monuments and markers at the head of a space shall consist of granite, marble, or bronze except in those instances when existing monuments on spaces are being matched or duplicated. All markers must be centered on the end of the gravesite and in line with existing markers. All bronze markers must be on a granite base with the

exception of veteran markers. Bronze markers may require an additional \$90 fee for placement, determined at the time of application.

(3) No foot markers allowed except for veteran markers.

(4) All monuments, tombstones, and concrete foundations must pass final inspection by the Superintendent or his or her designee. Concrete foundation requirements will be specified with the permit before any construction begins. Failure to obtain a permit or meet City of Denison standards will be subject to penalty.

- **Grade level.**

All graves will be maintained at the same grade level as the surface of the ground surrounding the lot, and under no circumstances will the grave be covered with a concrete slab or any other type of slab or covering.

- **Placement of objects in cemetery, including floral designs and greenery.**

(a)

General. No object of any kind may be placed on graves or other cemetery property, except as specifically provided herein.

(b)

Fresh flowers. Fresh flowers, floral pieces or funeral designs placed at gravesite at interment will be removed when they become wilted or unsightly at the discretion of City staff. Items desired to be retained must be removed within seventy-two (72) hours after placement on the lot or grave.

(c)

Containers. Up to two (2) individual containers of fresh or artificial flowers may be placed or affixed on each space, provided that the affixed flowers are only placed in containers approved by the city consisting of granite, marble, concrete, metal or heavy plastic.

(1)

Fresh or artificial flowers placed directly in the ground will be removed by City staff.

(2)

All flowers and other memorabilia must be placed in the affixed containers, on or immediately next to the monument on its concrete base, or if there is no monument at the head of the grave not to exceed one (1) square foot. Fresh flowers will be removed when they become wilted or unsightly.

(d)

Special arrangements. No wreathes, easels, grave blankets, or other special arrangements shall be permitted on graves except during interment and the first seven (7) days thereafter. Exceptions for placement of objects will be made during holidays. All

objects will be removed when they become wilted or unsightly at the discretion of City staff.

Benches may be placed with approval from the Superintendent or his or her designee. Benches must be constructed of granite. All benches approved for placement must be placed parallel with a monument with a foundation.

(e)

Planting. No person shall plant any trees, flowers or shrubs on any lot without the written consent of the Superintendent or his or her designee.

- **Authorization to remove objects, etc.**

The Superintendent or his or her designee shall have the right to remove any structure or object on any lot or grave that may be deemed objectionable and to destroy all diseased, unsightly or undesirable trees, shrubs or plants. The City of Denison reserves the right to trim or prune any shrub or plant whenever it is deemed necessary or advisable.

- **Defacing property.**

It is unlawful to write upon, deface or in any manner injure any monument, marker or other structure in the city cemeteries.

- **Removing flowers.**

It is unlawful for any person other than the owner to remove flowers or plants from any lot or block in the city cemeteries; provided, however, the City of Denison may remove or destroy any flowers, trees, shrubs or other plants in the cemeteries if, in his judgment, such are or may become detrimental to the adjacent lots or avenues or dangerous or inconvenient or which may interfere with the scheme of the cemetery development or maintenance.

- **Opening of graves.**

No grave, vault or tomb of any person buried in any city cemetery shall be opened, except upon special written order from the county medical director. Only human remains may be interred in any city cemetery.

- **Parking.**

No person shall park any motor vehicle in any cemetery maintained by the City of Denison except for the purpose of attending a funeral, visiting a gravesite, or maintaining or repairing cemetery property.

- **Required Interment and Concrete Work Permit and Fees**

Before any opening or closing of a grave, a permit application and approval shall be required for an interment as well as an application for burial. The fee for this permit shall be set by the City Council. Interments must be performed to the satisfaction of the City of Denison. A violation of interment procedures is subject to fines and penalties as well as the failure to obtain a permit before interment is approved by the City of Denison.

Prior to performing any work, a person desiring to erect monuments, tombstones or place concrete foundations in cemeteries shall first apply for and obtain a written permit from the Superintendent or his or her designee, and shall meet with an agent of the city to locate the gravesite where the stone is being constructed. The person performing the work must comply with all rules, specifications and requirements of the city in regard to such work. The fee for this permit shall be set by the City Council. A violation of monument, tombstone, or concrete foundation construction procedures is subject to fines and penalties as well as the failure to obtain a permit before construction begins.

A variance to the standards and specifications for interment, monuments, tombstones, and concrete work may be requested and considered for approval at the time of application by the Superintendent or his or her designee.

General Penalty

Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance

shall be punished by a fine not exceeding two thousand dollars (\$2,000.00) for violations of all ordinances that govern fire safety, zoning or public health and sanitation; no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this Code or any ordinance shall continue shall constitute a separate offense.