



“NOW AND ALWAYS -- A Fine City • A Great Community”

**RULES AND REGULATIONS
FOR OPERATION AND USE OF
MUNICIPAL CEMETERIES**

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GENERAL REGULATIONS

Sec. 1. Conduct in Cemeteries. No person shall:

- a. Enter a cemetery except through an established gate.
- b. Deposit rubbish or debris on cemetery grounds, except in provided receptacles.
- c. Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub or other plant materials.
- d. Write upon or damage any monument, fence or structure.
- e. Possess alcoholic beverages.
- f. Disturb, sleep or protractedly lounge on the benches, grass, mounds or other areas or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to a breach of the public peace.
- g. Permit any dog, horse or other domestic animal to enter or remain in the cemetery, unless such animal is contained within a vehicle.
- h. Use any form of advertising on cemetery premises.
- i. Purchase any ground or lots within the cemetery for the purposes of speculation thereon.
- j. Discharge a firearm in or adjacent to any cemetery. This prohibition shall not apply to authorized volleys at burials or Memorial Day services.
- k. Enter upon the cemetery premises between one-half hour after sunset and dawn.

Sec. 2. Admittance of Children to Cemeteries. No person or persons under 18 years of age shall enter a cemetery unless attended by an adult or adults responsible for their conduct or until permission to enter has been obtained at the Cemetery Offices.

Sec. 3. Financial Responsibility of City for Property Damage. The City of Fremont (hereinafter "City") shall not be financially responsible for any damage to lots and structures, markers or objects thereon, or for flowers or articles removed from any lot or grave.

Sec. 4. Supervision of Workers. Masons, stonecutters, and all other workers shall at all times be under the supervision of the Superintendent of Cemeteries (hereinafter "Superintendent") and must carry off all rubbish and restore the avenues and paths injured by their operations as the Superintendent shall direct. Any worker failing to conform to these regulations may forthwith be excluded from the grounds and the person employing them shall be responsible for the injuries sustained through their neglect.

Sec. 5. Lot Boundaries. All landmarks or corner stones shall be set by the Superintendent or under their supervision and shall not be altered or removed. No landmarks or corner stones indicating boundaries of lots shall be set above the surface of the ground.

Sec. 6. Grades Established. The Superintendent shall establish the grade of all lots, lawns and avenues and shall have general supervision of improvements within the cemeteries upon all lots, before and after interments are made therein. No lot shall be filled or raised above the established grade. The Superintendent shall have charge of planting trees and shrubs, sodding, surveying and of improvements generally.

Sec. 7. Use of Lots without Perpetual Care. No burial space in the cemeteries shall hereafter be sold or conveyed by the City or any other owner unless provision shall have previously been made or shall be made at the time of such conveyance by payment to the City Treasurer of the fee required for deposit in the "Cemetery Perpetual Care Fund," which shall cover the perpetual care by the City for each cemetery lot and all burial spaces thereon.

Sec. 8. Lot Care Restriction. No lot shall be cared for by any person other than the owner, their heirs, or the Superintendent.

Sec. 9. Traffic Regulations. The speed of cars or other vehicles driven in the cemeteries shall not exceed fifteen miles per hour.

No person in charge of a vehicle shall pass or attempt to pass another vehicle going in the same direction, or turn around, or attempt to turn around on any of the roads, alleys or avenues, or drive upon or across any lot, or ornamental ground, or through any alley within said cemeteries. Nor shall any person in charge of a vehicle whatsoever enter or leave said cemeteries except by gates established for that purpose. No person shall ride a bicycle in said cemeteries faster than ten miles per hour or ride the same at all except upon the roads and avenues where ordinary vehicles are allowed to travel.

Sec. 10. Parking Restrictions. No vehicles shall be parked or permitted to stand so as to infringe upon any lots or graves, nor to obstruct free passage along any roads or drives within the cemeteries. No vehicle shall be parked in the cemeteries except on cemetery business.

Sec. 11. Office Hours of Superintendent. The Superintendent may be found at the cemetery or City Hall each day from 8:00 AM to 4:00 PM except Saturdays, Sundays and Holidays.

Sec. 12. Cemetery Hours. The time of closing the gates will be at the discretion of the Superintendent.

PURCHASE OF LOTS

Sec. 13. Condition of Lot Purchases. A cemetery lot is defined as any plot of ground within any platted section of any City cemetery containing four or more full-size grave spaces. All lots shall be sold and subject to these Rules and Regulations or those hereafter adopted, and the deed shall so state. No lot shall be used for any purpose other than the burial of human remains and the placing of appropriate memorials. No interment of any deceased human shall be made in any place other than within cemeteries devoted to that purpose. Burial lots are exempt from ordinary taxes and cannot be seized on execution. The City may impose specific charges against lots. No mortgage or other encumbrance shall be given on any lot.

Sec. 14. Purchase Procedures. The purchase of a lot may be made by the payment of cash or the execution of a purchase contract upon forms furnished by the City. Such purchase contracts are subject to approval of the City Clerk as to price and credit terms. Any amount in excess of twenty-five dollars (\$25) may be accepted as downpayment. However, no burial will be allowed, nor any monuments erected upon any lot, the full purchase price for which has not been paid; nor shall any burial be allowed on any lot against which there is any charge for care of improvement, until such charges are paid. When a lot is paid for in full, the City Clerk shall issue a deed to the purchaser for only cemetery purposes. All purchase contracts must be paid in full within six months of the date of the contract or all rights to the lot and payments made will be forfeited.

Sec. 15. Transfer of Lots. The transfer of lots or parts of lots to another party may only be done in accordance with the Deed and all heirs, executor, administrators must show written proof of such, and the Clerk shall complete the transfer and charge the transfer fee for said service. The Deed shall be recorded in the Office of the City Clerk, which office shall notify the Superintendent. No person shall be recognized as owner or part owner unless so recorded in the Office of the City Clerk.

City Buyback of Lots: *A person having a deed to lots or parts of lots may request the City repurchase said lots at 50% of current resident rate. The City will consider purchases based on location and ability to re-sell.*

TYPES OF LOTS, CONDITIONS OF USE AND ARRANGEMENTS FOR CARE

Sec. 16. Types of Lots and Conditions of Use. Lots with upright or flush grave markers and upright or flush lot monuments are permitted in Blocks 1, 2, 3, 4, 5 and 6 and Blocks A, B, C, D, E, F, G and J in Maple Grove Cemetery and such other areas as may be later determined by the City Council.

Sec. 17. Arrangements for Lot Care. The various arrangements for care and maintenance shall be as follows:

- a. **General Maintenance.** General maintenance of the cemeteries, which is designed to improve their overall appearance and condition, shall be the responsibility of the City. It shall include such items as the upkeep of drives, buildings, sewer and water lines and fences.
- b. **Perpetual Care.** Shall include the following items of basic lot care: annual spring clean-up, periodic cutting of grass, removal of leaves, trimming of trees and shrubs and re-leveling of sunken graves.

Sec. 18. Definition of Lot Decorations. Lot decorations shall be deemed to include all structures, ornaments, plantings, or other embellishments, with the exception of monuments and markers or mausoleums, which are placed on cemetery lots with the intention of improving their appearance. Because certain types of individual lot decorations are not in harmony with the development of the cemeteries as a whole or because they may intensify maintenance problems, the City enforces certain rules regarding the decoration of cemetery lots.

Sec. 19. Decoration of Lots. The following rules shall be observed with regard to the decoration of cemetery lots.

- a. Coping, fences, curbs, benches, steps, structures of wood or other equally perishable material are prohibited. Those structures or enclosures established on any lot prior to the adoption of these regulations that have, in the judgement of the cemetery management, become unsightly due to neglect or age may be removed.
- b. No elevated mounds shall be built over graves and no lot shall be filled above the grade established by the City.
- c. Receptacles for cut flowers will be permitted if installed flush with the surface of the lawn. The use of glass jars or bottles as receptacles for cut flowers is strictly prohibited. Artificial flowers are permitted only in a suitable urn. Wreaths on wire stands will be allowed on graves only during the period ten (10) days before Memorial Day and for ten (10) days after Memorial Day. Wreaths left after this time may be removed and disposed of at the discretion of the Superintendent.
- d. Winter decorations may be maintained on graves until March 1st. If such decorations are not removed by March 1st, they shall be considered abandoned and may be disposed of by the cemetery management.
- e. Urns shall be permitted only if properly installed and maintained. Any urns not in use by June 1st may be removed. All urns shall be placed in line with lot markers or directly adjacent to a headstone.
- f. Arches for hanging baskets and urns are permitted only when they are in use, and they must not be anchored. Any not in use by June 1st may be removed.
- g. Toys, rocks/stones or other unsightly objects are not permitted as grave decorations and when used, may be removed without notice.
- h. Plantings shall be permitted only under supervision of the Superintendent. Plantings placed on a lot without a permit may be removed without notice. No flowerbed shall be larger than twelve inches (12") wide or longer than the headstone where applicable. On lots with headstones, the flowerbed must be adjacent to the headstone.
- i. The plantings of hedges are strictly prohibited. Existing hedges may be removed whenever they become unsightly or encroach upon an adjoining lot or path.
- j. The City may remove without notice all flowers, trees and shrubs that, in the determination of the Superintendent, have become unsightly or dangerous.
- k. No deciduous or conifer tree shall be removed or pruned except under the direction and with the prior consent of the Superintendent.

1. Cement-covered graves or larger monuments above ground are not hereafter permitted.
- m. One flag holder may be permitted for the grave of each veteran whose last service was honorable and is interred in a City-owned cemetery.
- n. Flags may be placed only between the Friday before Memorial Day and the Friday following Memorial Day. Only City personnel may place and remove flags.

FUNERAL AND INTERMENTS

Sec. 20. Conditions to be Fulfilled Before Interment. Interment shall not take place without a Burial Permit, nor until the person arranging for the interment has complied with all laws, ordinances and rules and regulations relative to burials. Funeral directors arranging for burials shall be responsible for all interment charges if not paid by the owner or their agent.

Sec. 21. Funerals. All funerals within the cemeteries shall be under the direction of the Superintendent or other person as designated by the Superintendent. All applications for burial shall be made to the Superintendent in time to allow at least eight working hours to prepare the grave. No burials shall be made on Sunday or legal holidays, except by order of the County Health Officer. No interment equipment except that provided by the City or authorized by the Superintendent shall be used. The cemetery management reserves the right to remove funeral designs and floral pieces as soon as they become unsightly.

Sec. 22. Burial in Private Mausoleums. In case of burial in private mausoleums, the owners of the mausoleum must provide the services of a competent person to open the crypt and properly seal the same.

Sec. 23. General Interment Restrictions. All burials shall be made in concrete vaults or boxes. Only one interment in any one grave shall be permitted, except in the case of mother and infant, or two children buried at the same time, except that two cremated remains may be buried above another grave. And no more than four cremated remains may be buried in one grave space. These cremains must be of immediate relationship to the grave site owner. The Superintendent shall not be held responsible for errors in location of graves on lots arising from improper instructions of lot owners or funeral directors. Orders from funeral directors shall be construed as orders from owners. Under no circumstances shall the City assume responsibility for errors in opening graves when orders are given by telephone. No graves shall be opened except by workers employed by the City. Funeral directors are to arrange the time of funerals so that cemetery personnel can complete interment by 4:00 PM

DISINTERMENTS

Sec. 24. General Restrictions. No disinterment will be allowed except by authority of the person owning the lot in which the interment is made, except by order of a court of competent jurisdiction, when a proper receipt for the remains must be given. Graves shall not be opened for inspection except for official investigations. Only employees of the City may make interment and disinterment. The City shall exercise the utmost care in making the removal, but it shall assume no liability for any damage to any casket or burial case or urn incurred in making the removal. Any markers or monuments designating the location of an interment shall be removed at the time of disinterment.

MONUMENTS AND MARKERS

Sec. 25. Monuments. Where permitted, monuments shall be placed in the center of a lot except where alignment with existing nearby monuments justifies another location. Approval of the location in any case must be obtained from the Superintendent before a monument is set. Not more than one monument shall be erected on any lot. No monument shall be placed upon a lot unless such lot has been paid for in full. No monument or marker shall be left on a cemetery lot unless a footing order is presented to the Superintendent.

Sec. 26. Upright Markers. Where permitted, single upright markers shall not be less than sixteen inches (16") or more than forty inches (40") in length, not less than eight inches (8") or more than sixteen inches (16") in width, and not more than thirty inches (30") in height. These measurements do not apply to government-issued markers or to those cases where the marker is installed adjacent to old markers on the same lot that do not conform to this rule. Double upright markers shall not be less than thirty inches (30") in length, or less than ten inches (10") or more than sixteen inches (16") in width, and not more than forty inches (40") in height. Three-grave upright markers shall be not less than forty-eight inches (48") in length, or less than twelve inches (12") or more than sixteen inches (16") in width and not more than forty inches (40") high. All baby markers must not be less than six inches (6") in width and not less than fourteen inches (14") in length except where the marker is installed adjacent to old markers on the same lot that do not conform to this rule.

Sec. 27. Flush Markers. Flush markers shall be set so that the top is flush or level with the ground. The exposed surface of all single flush markers shall be of standard size, twenty-four inches (24") in length and twelve inches (12") in width. Double flush markers shall be twelve inches (12") in width and not less than thirty inches (30") in length. Three-grave flush markers shall not be less than forty-eight inches (48") in length. Flush markers of granite shall be not less than four inches (4") in depth. Flush markers for baby and child graves must be not less than eight inches (8") in width or more than twenty-one inches (21") in length.

Sec. 28. Location of Markers on a Lot. Markers shall be placed at the head of a grave whenever possible. No marker shall be placed nearer than four inches (4") to a lot line. Not more than one marker shall be placed at any one grave. Any marker that cannot be placed in line with other monuments or markers shall be installed flush with the ground. No marker shall be set unless the Superintendent first approves it and the grave space is paid for in full.

Sec. 29. Monument and Marker Materials. No material except granite or a good grade of white marble from recognized monument quarries shall be used for monuments or upright markers. Bronze may be used on monuments or upright markers if firmly attached to a granite base. No materials except granite or standard bronze shall be used for flush markers. Monuments or markers varying materially in color or texture shall not be permitted on any one lot.

Sec. 30. Inscription on Markers. Markers shall be so placed on a grave that the inscription thereon may be read from the nearest abutting path or road. On lots or parts of lots not abutting a path or road, the inscription on markers placed thereon shall read from the nearest path or road. Inscriptions on all markers at the same end of a lot shall read from the same direction. All inscriptions and designs on flush markers shall either be sunk or raised at least three-sixteenths of an inch (3/16") from the surface. Flush markers with raised letters shall be protected with a raised panel at least one inch (1") in width.

Sec. 31. Monument and Marker Foundations. All monuments and markers shall be placed on a foundation of a depth and size and of a material deemed adequate by the Superintendent. Cemetery personnel shall install all foundations.

Sec. 32. Installation of Monuments and Markers. Those persons engaged in placing monuments and markers shall provide planking adequate to protect turf and shall remove materials and equipment immediately upon completion of work. The site shall be left in a clean, orderly condition. Markers and monuments shall not be delivered to lots until a proper order for a foundation installation has been placed with the Superintendent.

Sec. 33. Approval of Plans and Locations. Before work on any private or public mausoleum is begun, the City Manager and Superintendent shall approve the location and complete set of plans and specifications. All materials used in construction of mausoleums must be of recognized durable granite, marble, standard bronze or other permanent material approved by the City Manager and the

Superintendent. The use of sandstone, terra cotta slate, artificial stone, wood or iron in any form is not permitted when exposed to the elements.

Sec. 34. Endowment. Before construction of a mausoleum, a sum of money equal to not less than fifteen percent (15%) of the estimated cost of such mausoleum shall be deposited with the City. Income from investment of this sum shall be used for perpetual maintenance of the mausoleum.

Sec. 35. General Requirements. No tomb or vault shall be erected wholly or in part above the ground without permission of the Superintendent. All vaults or tombs must be furnished with shelves having divisions, allowing interment to be made separately, and permanently sealed. Interments in crypts shall be made in hermetically sealed caskets. Duplicate keys for a mausoleum shall be left in the possession and care of the Superintendent.\

Sec. 36. Charges for Cemetery Lots, Grave Openings, etc.

Cemetery Fees:

Lot Ownership:

Lot Purchase (each grave space)	450.00
Lot Purchase-Non Resident (each grave space)	700.00
Baby Grave (each grave space)	150.00
Baby Grave-Non Resident (each grave space)	300.00
Urn Niche (up to two cremains per Niche)	450.00
Urn Niche – Non Resident (up to two cremains per Niche)	700.00
Ownership / Title Transfer to Resident	75.00
Ownership / Title Transfer – to Non Resident	250.00
City buyback of lot – ½ of current lot purchase at resident price	225.00
Perpetual Care	50% of lot purchase (included in the purchase price of lot)

Grave Openings:

Child or Adult	450.00
Child or Adult – Non Resident	700.00
Infant (0-1 year)	200.00
Cremation Urn	200.00
Additional fee to be charged for Staff overtime required to complete burial after 4 pm ...	100.00/hr
For all Saturday Funerals Add (no Sunday or Holiday burials)	200.00
Winter Burials (Dec 1 – Mar 31) Add	200.00

Niche Openings:

Child or Adult	150.00
Child or Adult – Non Resident	300.00

Disinterment & Re-burials:

In Maple Grove Cemetery: . Child or Adult	600.00
Infant (0-1 year)	200.00
In Other City Cemetery: Child or Adult	400.00
Infant (0-1 year)	100.00

Foundation Fee- Rate @ \$0.35 / square inch (minimum charge)

(Add 4" to length and width of the stone/plate size to accommodate a 2" border around)

* Fifty percent (50%) of the money received from the sale of graves shall be deposited in the City General Fund and fifty percent (50%) in the Cemetery Perpetual Care Fund.

Sec. 37. Effective Date. These regulations became effective February 1, 1996, and were amended:
4/1/2000, 7/1/2009, 1/1/2018, 4/1/2019, 3/16/20, 11/7/22