

## ORDINANCE NO. 417

### AN ORDINANCE AMENDING THE OPERATION OF THE DRAIN CEMETERIES; BURIAL LOT CERTIFICATES AND PERPETUAL CARE; REPEALING ORDINANCE NO. 386 AND DECLARING AN EMERGENCY.

#### THE CITY OF DRAIN ORDAINS AS FOLLOWS:

**Section 1 Creation of Cemeteries.** All property now owned or hereafter acquired by the City of Drain, may be used as public burial grounds. Any City property so used, shall be subject to the provisions of this ordinance.

**Section 2 Map and Dedication.** A map or plat of all property used as public burial grounds, shall be prepared and recorded in the real property records of Douglas County. The City shall declare that the property delineated on the map or plat, shall be used exclusively for cemetery purposes. Copies of the map and plat shall be kept on file at City Hall.

#### **Section 3 Certificate for Burial Lots.**

- (1) Any person wishing to reserve or use a burial lot in a cemetery owned by the City of Drain, shall apply to the City Administrator for a burial lot certificate. The burial lot certificate may be used for interment of the person obtaining it, their spouse or children, or interment of other person assigned to the lot. Assignment must be completed by person obtaining the burial lot certificate or surviving family member.
- (2) The City shall issue a certificate upon payment of the perpetual care fee established by resolution of the Council. This certificate shall be signed by the Mayor and City Administrator. The City shall retain a copy of each certificate issued in the City records. The perpetual care fee is non-refundable.
- (3) One hundred percent of the perpetual care fee shall be credited to the perpetual care trust fund.

**Section 4 Records.** The City shall maintain a record book containing the following information:

- (a) A record of each burial lot reserved, the date of reservation, the name and address of the person reserving the lot and the person for whom the lot is reserved.
- (b) The name of the deceased person buried in each burial lot.
- (c) The date and place of death.
- (d) The date of burial.

#### **Section 5 Interment.**

- (1) No interment shall be made without a burial permit obtained from the City. The application for interment shall include a written authorization by the person qualified under ORS 97.141.
- (2) No burial permit shall be issued unless a burial lot certificate has been obtained and the perpetual care fee has been paid.
- (3) No lot shall be used for any purpose other than burial of human remains.
- (4) All gravesites containing a casket shall be required to have a one-piece liner (no sectionals), preferably made of reinforced concrete (includes cement vaults & cement grave boxes).

(5) Only one casket per burial lot, however, in the East Cemetery (new & old sections) it is permitted to bury one casket and one urn (urn in a casket, urn in a casket that has been exhumed, or urn buried on top of a casket) or two urns per burial lot.

(6) All urns and urn vaults for direct burial shall be made of metal (bronze, copper, aluminum) or durable material that will not decompose or be easily crushed from the weight of equipment.

**Section 6 Rules and Regulations.**

(1) The Council may adopt by resolution, rules and regulations for the use, care control, management, restriction and protection of municipal cemeteries.

(2) Copies of these rules and regulations shall be maintained on file at City Hall.

(3) No person shall violate the provisions of the cemetery rules and regulations adopted pursuant to this section.

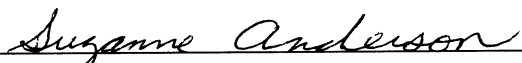
**Section 7 Perpetual Care Trust Fund.** All monies received for and credited to the perpetual care trust fund, shall be held by the City Administrator as trustee, and shall be invested as provided by law. The principal and income from such trust fund, shall be held in the perpetual care trust fund until the City Council determines otherwise.

**Section 8 Cemetery General Operating Fund.** The City Council may appropriate money from the City general fund necessary to maintain and operate the municipal cemeteries for each fiscal year and any such sums shall be deposited into the cemetery general operating fund. The monies in this account may be expended for the development, improvement, upkeep and care of cemeteries and for the acquisition of additional cemetery lands.

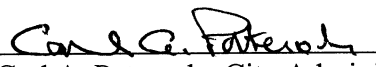
**Section 9 Disinterment.** No body once buried may be removed except upon notification of the City Administrator and payment of the disinterment fee established by resolution of the Council. This fee shall be credited to the perpetual care fund.

**Section 10 Emergency Clause.** This ordinance includes pertinent information regarding liners, urns and additional burial instructions that have been reviewed, discussed and approved by the Cemetery Committee. An emergency is therefore declared to exist and this ordinance shall be in full force and effect upon its adoption by the Council.

**PASSED BY CITY COUNCIL OF THE CITY OF DRAIN, DOUGLAS COUNTY, OREGON, THIS 11<sup>TH</sup> DAY OF JULY, 2011.**

  
Suzanne Anderson, Mayor

ATTEST:

  
Carl A. Patenode, City Administrator