

**City of Fernley
Ordinance # 2017-008**

AN ORDINANCE MODIFYING TITLE 9 (PUBLIC WORKS), THE ADDITION OF CHAPTER 9, RULES AND REGULATIONS FOR THE FERNLEY DESERT MEMORIAL GARDENS CEMETERY ELIMINATING PAYMENT PLANS AND MAKING OTHER CHANGES PRIMARILY CLERICAL IN NATURE AND OTHER MATTERS PROPERTY RELATING THERETO.

**Title 9 Public Works
Section 9 Cemetery
Rules and Regulations of the City of Fernley
Desert Memorial Gardens Cemetery**

The City Council of the City of Fernley do ordain: These rules and regulation have been adopted by the Fernley City Council for the mutual protection of the City of Fernley and those buried within the Desert Memorial Gardens Cemetery, and to insure the maintenance of a uniform and peaceful place of rest within the City of Fernley.

9.01 Definitions:

- a) Cemetery: a burial park for earth interments.
- b) Interment: the permanent disposition of the remains of a deceased person into the earth.
- c) Burial Space, Grave Site or Plot: a single space, approximately 5 x 10 feet, within the cemetery and designed for the interment of one body.
- d) Children's Plot: a single space, approximately 5 feet x 5 feet, within the cemetery and designed for the interment of one body under the length of 3 feet.
- e) Cremation plot: a single space, approximately 2'6" x 2'6", within the cemetery and designed for the placement of cremated remains.
- f) Memorial or Marker: a monument, tablet or headstone for the family or individual use.
- g) Administrator of the Cemetery: The Public Works Director shall be the administrator of the cemetery and will be referred to in this document as the Administrator.
- h) Responsible Party: Individual who signs the burial agreement.

9.02 Ownership and Management:

- a) The City of Fernley owns the Fernley Desert Memorial Gardens Cemetery, ("Fernley Cemetery."
- b) The Fernley Cemetery is administered by the City of Fernley City Council, with day to day operations overseen by Administrator.
- c) Within the confines of the Cemetery Grounds, the Administrator shall have complete control of all activities within the confines of the Fernley Cemetery grounds.
- d) Maintenance of the Fernley Cemetery is the responsibility of the City of Fernley; however maintenance of plots and grave markers are the responsibility of the parties as assigned in the burial agreement.
- e) The City Council shall fix the following by Resolution:
 - a. Value (sale price) of unsold plots

- b. Interment Fee
- c. Fee for opening and closing of plot. (Plot opening/closing deposit.)
- d. Headstone deposit
- e. Disinterment Fee
- f. Other fees and charges as may be required

9.03 Duties of the Administrator

a) Administrator: Duties of the administrator of the municipal cemetery are as follows:

- 1) **Development:** The administrator is responsible for the development of the municipal cemetery expansion plans for inclusion in the annual budget of the City;
- 2) **Records Maintenance:** The administrator is responsible for the maintenance of the administrative records of the cemetery, to include,
 - a) Plot records of each deceased interred,
 - b) Plot records of each reserved lot,
 - c) Issue Deed of Ownership upon receipt of payment of plots.
 - d) Update the cemetery map semiannually
- 3) **Operation and maintenance:** The administrator is responsible for the operation and maintenance of the Fernley Cemetery.

9.04 Interments:

- a) All interments must be in accordance with Federal, State, and County laws and must be pre-arranged, during normal business hours, and approved by the City of Fernley.
- b) All arrangement for opening and closing of plots are to be made through a licensed funeral director.
- c) **Request for Interments:** Requests shall be made through the City of Fernley.
- d) **Notice of Interment required:** Forty-eight (48) hour notice must be given for any internments.
- e) **Holiday Interment:** No interment will be allowed on Sunday, legal holidays, or on the day upon which any holiday is legally observed, except by the approval of the Administrator. Any and all exceptions must be approved in writing by City of Fernley.
- f) **Emergency Burials:** Arrangements for emergency burials must be approved by the Administrator and proof of emergency must be furnished within five (5) days.
- g) All requests must be made in writing within 5 business days of scheduled interment.
- h) **Location of Interment Space:** The written request for interment site may request an exact location of the plot in the Fernley Cemetery for the grave to be opened. Potential interment sites shall be limited to rows and sections currently available for interments as determined by the Administrator. All graves shall be opened within the specified fixed five (5) by ten (10) foot space allotted for each single burial and shall be approximately six (6) feet deep. When the instructions regarding the location of an interment space cannot be obtained, or is indefinite, or when for any reason the burial space cannot be opened exactly where requested, the City of Fernley may, at its discretion, open it in such location as they deem best and proper, so as not to delay the funeral. The City shall not be liable for damages in any action taken.

- i) There may be one burial and one cremation, or four cremations placed in each 5' x 10' plot.

9.05 Cremains:

- a) Interment of Cremains: any casket, urn, or suitable container containing the cremated remains of any person may be interred following the same general procedures as for the burial of a body.
- b) Cremains Burial Space: The minimum Cremains site shall be 2'6" x 2'6", the depth shall not be less than two (2) feet.
- c) Scattering Ashes: Ashes may be scattered once the request is approved by the City of Fernley. Scattered ashes must be less than a 1/8" in size. (NRS 451.700)
- d) Burial in Existing Grave: Burial of cremains is permitted within an existing grave upon approval of the City of Fernley.

9.06 General Supervision of the Cemeteries:

- a) Admission to the Fernley Cemetery: Entrance into the Fernley Cemetery except through the main entrance is strictly forbidden. The City reserves the right to refuse admission to the Fernley Cemetery to any persons who are deemed objectionable to the best interest of the Fernley Cemetery.
- b) Conduct of Persons within the Fernley Cemetery: Visitors are welcome on the Fernley cemetery grounds at any time. Children under fifteen (15) years of age shall not be permitted within the Fernley Cemetery unless accompanied by an adult.
- c) The City of Fernley in Charge of all Funerals: All funerals, upon reaching the Fernley Cemetery, shall be under the supervision and coordination of the Funeral Director.
- d) Casket not to be disturbed: Once a casket containing a body is in the confines of the Fernley Cemetery, no funeral director, or his embalmer, or assistant, employee, agent, cemetery official or any other person shall be permitted to open a casket or to touch a body without the consent of the legal representative of the deceased or without a court order.
- e) Not Responsible for Embalming or Identity: The City shall not be held responsible for the interment permit nor for the identification of any person sought to be interred, nor the burial preparation of the deceased.
- f) Above the Ground Crypts: No above ground crypts or tombs shall be permitted in the Fernley Cemetery.

9.07 Site Preparation:

- a) Approved Grave Vault/Liners: Every earth interment of a casket must be in an outside receptacle of metal, concrete, or fiberglass box placed over the casket. The receptacle shall be furnished and installed by the mortuary. The City shall have the right to refuse any such receptacle that is damaged or in any way inadequate.
- b) Equipment Used: Tents, artificial grass, lowering devices and other equipment used in making interments, disinterment, and removals shall be furnished by the mortuary.
- c) Funeral Director may make use of the City's lowering device and other associated equipment used in making interments and disinterments only if it is available. The Funeral Director shall be responsible for the preparation, operation and safe return of the lowering device.

9.08 Permanent Markers:

- a) **Permanent Markers:** All graves shall have a permanent memorial or marker; markers are not to be over three feet high unless prior approval is obtained from the City of Fernley. Permanent Markers shall be installed by the Responsible Party.
- b) **Headstone:** Within one (1) year the Responsible Party of the deceased shall have erected on the plot a marker, constructed of good quality granite, marble, or bronze, setting forth at a minimum, the name of deceased buried on the plot, birth date, and date of death.
- c) **Gravesites:** shall be curbed with marble or concrete, 6" wide and 6" above grade, at the Responsible Party's expense. All such installations shall meet with the approval of the City of Fernley representatives. **For maintenance purposes, individual fences around burial plots are not permitted.**
- d) **Permanent Marker Deposit:** A deposit shall be collected prior to interment for every plot. In the case of multiple interments in a single burial plot, a deposit will be collected for **each interment.**
- e) **Timeline:** If the Responsible Party has not erected a permanent marker, memorial, headstone, etc in accordance with Section 9.08b of the Fernley Cemetery Rules and Regulations within one year of interment, the City shall use the deposit to purchase a permanent marker for the plot.
- f) **Refund of Deposit:** Permanent Marker Deposits shall be refunded once a permanent marker is placed on the burial space or cremation plot. Permanent Marker Deposits shall be refunded to the Responsible Party that supplied the deposit. If the City is required to purchase and place a permanent marker for the Responsible Party, then the unexpended portion of the deposit shall be returned to the Responsible Party after the work is complete.
- g) **Waiver of Permanent Marker Deposit:** If a responsible party can prove purchase of a permanent marker, memorial, headstone, etc to the satisfaction of the Administrator then the requirement for a deposit may be waived.

9.09 Disinterment:

- a) **Notice of Disinterment Required:** The City reserves the right to require at least ten (10) days prior notice to any disinterment. No disinterment will be made on, Sunday, legal holidays or on the day which any holiday is legally observed. All disinterment shall be done at the convenience of the City of Fernley.
- b) **Permission for Disinterment:** No disinterment of a body will be made without an order of a court of competent jurisdiction. The County Coroner shall also be notified as to the disinterment.
- c) **Care in Removal:** The City shall not be involved in the opening of the grave for disinterment and shall assume no liability for any damage to any casket incurred during a disinterment. The actual opening of the grave and removal of the casket from the grave and the cemetery shall be done by the person or persons legally authorized to make the removal.

9.10 Rule Governing the Maintenance of Cemetery:

- a) **Prohibited Activities within the Fernley Cemetery:** Domestic animals, including, but not limited to, dogs and horses are forbidden in the Fernley Cemetery unless exempt under NRS 651.075. No driving or riding shall be allowed on graves, lawns, or walks; this

applies to animals, bicycles and all motor vehicles including cars, trucks, jeeps, motor bikes, snow mobiles and machinery. All persons violating the Fernley Cemetery rules shall be held responsible for any damage done by them or by any animal or vehicles in their charge.

- b) **Maintaining Burial Sites:** The Responsible Party of the deceased shall be responsible for the general upkeep and appearance of said plots. The City shall not be responsible for the maintenance of individual grave sites.
- c) **Landscaping of plots:** No planting of live plants or trees is permitted.
- d) **Decorations of plots:** All decorations shall be limited to the grave site. No decorations shall be hung or attached to the Fernley Cemetery fences. No glass containers shall be allowed on grave sites. Only artificial or fresh cut flowers, sprays, wreaths, U.S. Flags and Christmas blankets will be allowed at any time. However, they will be removed if in the City's opinion they become unsightly or are blown off the graves.
- e) **Liability of Decorations:** The City shall not be held liable for lost, misplaced, or broken vases or for damages by the elements, theft, vandals or by causes beyond its control. The City reserves the right to regulate the method of decorating plots and the right to remove any decoration so that uniform beauty may be maintained.
- g) **Preserving Landscape and Wildlife:** All persons are forbidden to pick, remove, cut or damage any flowers, trees, shrubs, or plants on any grave, or to deface any monument, structure or other property, or to disturb birds and other wildlife within the Fernley Cemetery pursuant to NRS 206.125.

9.11 Cemetery Fund:

- a) A special fund will be set up, separate from all other funds of the City, and designated as the "City of Fernley Cemetery Care Fund". This fund is to be established from revenues paid to the City for cemetery lots, grants, endowments or from other sources. This fund is to be established for funding care of the Fernley Cemetery.

9.12 Plot Acquisitions:

- a) All fees regarding plot acquisition will be set by a Resolution of the Fernley City Council. A burial plot must be paid for, in full, before an interment can be performed, effective as of the date of approval of this Ordinance. All fees received to-date under existing payment arrangements will be refunded and plot(s) will be returned to Fernley Cemetery inventory if payments due are not brought current within 30 days of the scheduled payment date.
- b) The ownership of a fully purchased plot may be transferred. The Responsible Party shall contact the City of Fernley's Cemetery Representative for procedures to transfer ownership of plot.
- c) **Veteran's burials:** A Veteran's burial or cremation plots will be donated by the City to the deceased. A DD214 form is required as proof of veteran status.
- d) **Children's burials:** Burial or cremation plots for children under three years of age will be donated by the City to the family of the child.
- e) **Indigent burials:** An indigent burial plot will be donated to the deceased upon approval by Lyon County Human Services. Application for Burial of Indigents must be reviewed and approved by Lyon County Human Services.

9.14 Specifications for Curbing of Cemetery Plots:

SPECIFICATIONS FOR CURBING OF CEMETERY PLOTS

HEAD CURBING:

Finished concrete should measure 12" wide and 8" thick. The width is usually dictated by the size of the headstone.

SIDE AND BOTTOM CURBING:

Finished concrete should measure 6" wide and 10" thick.

No less than 4" of curbing must be below ground level.

All curbing shall have at least two reinforcing bars (rebar) along the full length of head curbing, and one reinforcing bar on remaining edges. Rebar used in all curbing should be either $\frac{1}{2}$ " or $\frac{3}{8}$ " thick.

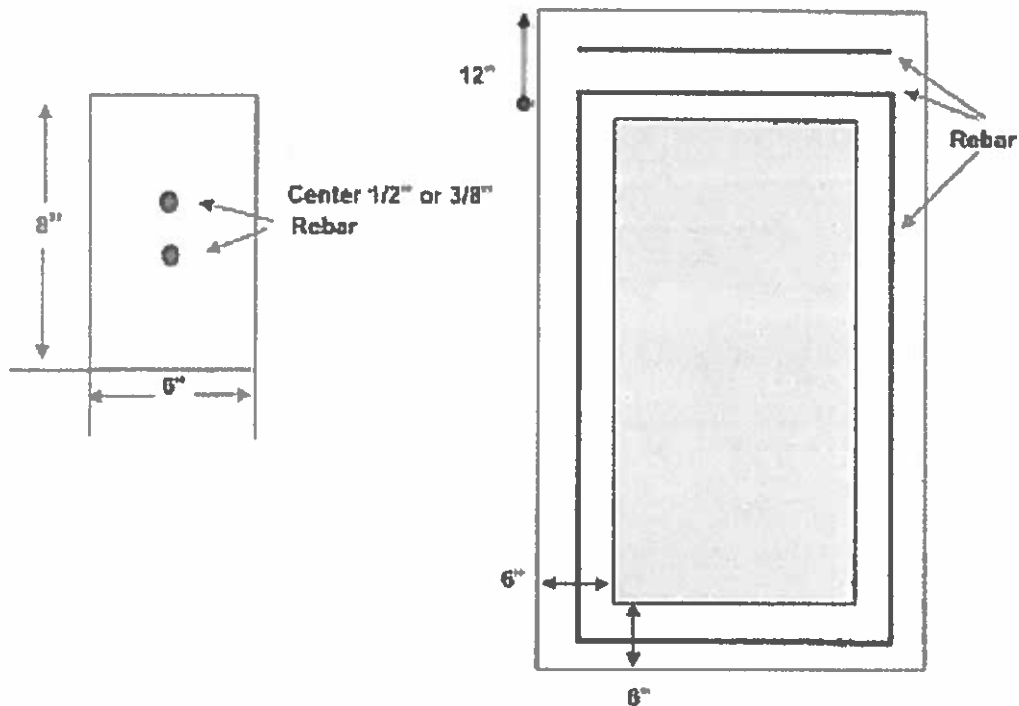
CONCRETE CAPS:

When the entire plot is covered with concrete it is called a "CAP" and the dimensions are as follows:

Thickness should be at least 4".

6" x 6" / #10 - #10 WWF (wire mesh) must be used throughout the entire cap.

A cap is poured inside the above-described curbing.




PROPOSED on the 7th day of June 2017.

PASSED, APPROVED and ADOPTED this 5th day of July, 2017, by the following vote of the Council:

Ayes: 5 Nays: 0 Abstentions: 0 Absent: 0

FERNLEY CITY COUNCIL

By: 
Roy Edgington, Mayor

Date: 5 July 2017

Attest By: 
Kim Swanson, City Clerk

Date: 7/5/2017