

RESOLUTION 05-10

A RESOLUTION ESTABLISHING THE REGULATIONS FOR THE WESTMORELAND CITY CEMETERY AND THE RESPONSIBILITIES OF THE CITY CLERK AND CITY MAINTENANCE PERSONNEL IN THE MAINTAINING OF OFFICIAL RECORDS AND GROUNDS OF THE CEMETERY.

WHEREAS, the City of Westmoreland, Kansas maintains a city cemetery within the corporate city limits of said city, and

WHEREAS, the governing body of the City of Westmoreland has determined that the regulations for the Westmoreland City Cemetery, and the responsibilities of the City Clerk and City Maintenance personnel in the maintaining of official records and grounds of said cemetery should be set out in writing in this Resolution,

NOW THEREFORE, BE IT RESOLVED by the governing body of the City of Westmoreland, Kansas:

This is to serve as policy for the Westmoreland City Cemetery, to be used as a guide for future burials, tombstones, plantings, etc.

Let it be known that this policy becomes effective at such time as it is approved by the Westmoreland City Council.

It is the policy of the City of Westmoreland, to “grandfather” all existing graves/markers/tombstones/permanent plantings that are in place prior to the approval by the City Council.

ARTICLE 1. CEMETERY

DEFINITIONS. For the purposes of this policy, the following words and phrases shall mean:

- (a) Cemetery means a burial park for earth interments, or tomb interments.
- (b) Interment means the permanent disposition of the remains of a deceased person by burial, by cremation, interment and burial, or by entombment.
- (c) Lot means numbered tracts within the cemetery as shown on the record plat, consisting of one or more spaces and grouped into a cemetery section. A lot generally has four plots.
- (d) Lot marker means a small numbered metal pin used by the cemetery to locate the corners of a plot.
- (e) Monument means a permanent tombstone and secured in concrete.

- (f) Opening/closing means removal of earth for an interment and replacing of earth over the burial vault or urn, as specified in this article.
- (g) Section means the primary subdivision of the cemetery, composed of a collection of numbered lots.
- (h) Plot means a space for one interment grouped with other spaces to form a cemetery lot. All plots in new additions will be 38 inches by 96 inches.

CEMETERY NAME. The Westmoreland City Cemetery heretofore established shall be known as the “Westmoreland City Cemetery”.

SURVEY, PLAT OF. The survey and plat of the Cemetery into lots, parking, roadways and walks, as recorded in the Office of the Register of Deeds of Pottawatomie County, shall be the official survey and plat of the cemetery.

CITY CLERK’S RESPONSIBILITIES. The City Clerk shall be responsible for maintaining official records of conveyances, owners and interments in the Westmoreland City Cemetery. He or she shall collect and account for cemetery funds from the sale of lots, and shall issue all cemetery deeds.

CITY MAINTENANCE PERSONNEL RESPONSIBILITIES. The duties of the Cemetery Maintenance personnel shall be assigned to an employee or employees of the City by the Mayor. He or she shall be responsible for maintaining the Cemetery, including fencing, gates, grounds, streets, buildings all other parts *thereof*, in good condition. The sheared cedars are to be sheared yearly, usually in the fall, to maintain their shape. He or she shall mark all graves for opening/closing and shall secure persons to perform the opening/closing. He or she shall also mark out locations for monuments and inspect and approve all new monument installations to insure compliance with City specifications.

LOTS; SALE; CONDITION. Regulations relating to lots in the Cemetery and the sale of the lots shall be as follows:

- (a) The charge for sale of all lots in the City Cemetery shall be determined by the City Council.
- (b) All unsold lots or fractions of lots, surveyed and platted for grave spaces in the Cemetery shall be sold by lots, fractions thereof or single grave spaces by the City for such sum or sums as determined by the Westmoreland City Council.
- (c) All lots and grave plots shall be used solely for the purpose of interment of human bodies, body parts or cremains. Cremains are allowed to be buried on top of an existing burial as long as the lot or plot allows enough depth to fit the cremains and cover below the ground surface as required.

- (d) No lot or grave plot shall be used for the purpose of burial, nor a deed issued until the purchase price therefore shall have been paid in full to the City (or until the City Clerk shall have satisfactory guarantee of such payment);
- (e) Upon the full payment of the purchase price for any lot, fraction thereof or grave space owned by the City, a Cemetery Certificate/Deed shall be issued by the City Clerk which shall be signed by the Mayor and attested by the City Clerk under the seal of the City.
- (f) Lot 183 of the City Cemetery shall be reserved for interment of infants 18 months or younger.

TRANSFER OF LOTS. No sale, transfer or conveyance of any lot, fraction thereof or grave plot shall be made by the owner thereof until first approved by the Mayor. The Mayor may authorize the purchase by the City of any unused or unsold lot or fraction thereof from the legal title holder, at no more than the current price. No plot, lot or portion thereof may be transferred if containing a monument or part of a monument or if explicit or implied reference is made to it by monument.

INTERMENTS. Regulations relating to interment requirements for the Westmoreland City Cemetery are as follows:

- (a) Only one (1) interment shall be made in any standard grave plot, with the following exceptions:
 - 1. A parent and infant or infants interred in the same casket.
 - 2. Two (2) infants interred in the same casket.
 - 3. Up to four (4) cremains interments in the same adult grave plot. Cremains space allowed 38” wide and 24” long for two (2) cremains or 48” for four (4) cremains.
- (b) A non sealed two (2) piece concrete box is the minimum requirements for containing a casket, for all interments in the Westmoreland City Cemetery except cremains interments.

GRAVES OPENING; FUNERALS.

- (a) No grave shall be opened in the City Cemetery by anyone other than City of Westmoreland City Maintenance personnel or their designee.
- (b) Standard graves shall be excavated to a depth of at least five (5) feet, except that the excavation required for an infant interment shall be not less than three and one-half (3½) feet. No part of the container or vault shall be closer to the ground surface than (30) inches.
- (c) Cremains graves shall be excavated to a depth of three (3) feet, six (6) inches to four (4) feet, and shall have a width of at least one (1) foot. Encasement of cremains in poured concrete shall be required for all non-permanent containers which are not

contained in a vault. Three (3) inches poured concrete shall be allowed under the container and concrete shall not be closer than one (1) foot from the surface.

NOTIFICATION. Before any grave shall be excavated, written application shall be made to the City Clerk. Such application shall be made not less than sixteen (16) working hours before the time of interment. The application requesting a grave to be opened or dug may be made by:

- (a) The owner of the lot or his or her duly authorized agent;
- (b) The Funeral Director or person in charge in interment.

IMMEDIATE INTERMENT. If an immediate interment (within twenty-four (24) hours of death) is required, the application for grave opening shall be made not less than four (4) working hours before the time of interment.

OPENING, CLOSING, OTHER CHARGES AND FEES.

- (a) The Westmoreland City Council shall fix by resolution the charges for opening and closing of graves or for interments in the cemetery, and shall also establish charges and fees for other services associated with the cemetery. All such charges and fees shall be paid in full to the City Clerk, who shall issue a general receipt for all monies received. All monies shall be deposited to the general operating fund of the City Treasury. Full payment of an opening, closing must be received before work is commenced or with work completed or satisfactory arrangements with City personnel.
- (b) Expenses associated with indigent interments shall be reimbursed to the City as per current State of Kansas Social Rehabilitation Services policies. Full payment for indigent interment must be received before opening/closing is commenced, or shall have satisfactory guarantee of such payment.

REOPENING OF GRAVES; DISINTERMENT. Any person desiring to reopen any grave in the cemetery to disinter or remove any body therefrom or for any other purpose shall make written application to the City Clerk requesting such work to be done. A charge for said service shall be set at twice the amount charged for opening and closing graves, except that, if it is determined that the disinterment will correct an error of the City of Westmoreland no charge shall be charged. The following rules shall apply:

- (a) Reopening of a grave and removal of a body shall be under the supervision of the Mayor or his designee.
- (b) All markers designating the interment shall be removed at the time of disinterment and replaced after re-interment.

MONUMENTS, MARKERS. Requirements for placing monuments or markers are given below:

- (a) All grave plots must be marked with a temporary marker by the funeral home immediately after interment, if a monument does not exist.
- (b) A permanent marker is required within one (1) year of interment.
- (c) Monuments in the cemetery must be made of granite, marble, bronze, or other durable material.
- (d) Lot owners may mark corners in cement or stone, however, original lot markers must not be disturbed and ground level flush around mounting is required.

- (e) Government markers may installed by City maintenance personnel workers.
- (f) Monuments and markers shall be installed in accordance with specifications approved by the Westmoreland City Council and on file in the office of the City Clerk. Said specifications shall include provisions for infant monuments.
- (g) Maintenance of monuments, footstones and private markers is the responsibility of the City of Westmoreland.

FOOTSTONES. All footstones shall be installed flush with the ground level except for those lots where existing footstones have been installed above ground.

MONUMENT WORK;PERMIT;FEE. All monument and marker installations in the City Cemetery shall be performed by professional monument installers or by individuals if approved by the City Council. Before working in the City Cemetery, installers must submit to the City Clerk proof of public liability insurance in the amount of \$50,000 and pay a permit fee. Cemetery maintenance shall mark the location for monuments or markers. If, upon inspection by the Cemetery maintenance personnel, a monument or marker is determined to be improperly installed, the City reserves the right to require the installer to correct the deficiency. The City Council reserves the right to waive this requirement.

ENCLOSING LOTS, COVERING GRAVES PROHIBITED: Any covering for a lot or grave except sod is prohibited unless approved by the City Council.

PERMANENT MOUNDING OF GRAVES PROHIBITED. The permanent mounding up of a grave is prohibited.

PERMANENT PLANTINGS.

- (a) Cemetery personnel under the direction of the City Council shall trim, prune and otherwise care for plant materials. Neglected, misplaced, dead, unkempt, unauthorized or hazardous plantings, including trees, may be removed by the City personnel as necessary to maintain the attractive, safe and neat appearance of the Cemetery upon the approval of the City Council and recorded in the City Council minutes.
- (b) All permanent plantings, trees, shrubs, flowers must be approved by the City Council.
- (c) See attached guide for recommended care of permanent plantings.

FLOWERS, OBJECTS.

- (a) Artificial flowers not in a pre-approved permanent floral display container of a type specified in the Westmoreland City Cemetery Regulations may be placed adjacent to grave monuments only during the period from October 31st through April 1st.
- (b) Artificial flowers in a permanent floral display container of a type specified in the Westmoreland City Cemetery Regulations are permitted adjacent to grave monuments year-round unless they become faded, broken or deteriorated. The Cemetery Maintenance personnel or crew is authorized to remove and dispose of these items, without notice to the lot owner.
- (c) Seasonal flowers, cut flowers, artificial plants or flowers and wreaths shall be permitted on the entire grave plot area for ten (10) days immediately following the

date of interment on said grave. They may also be permitted on the grave plot for a period commencing fourteen (14) days before Memorial Day and ending June 10th. Flowers not in a container of a type specified in the Westmoreland City Cemetery Regulations shall be removed by the Cemetery Maintenance personnel or crew on June 10th or thereafter. Annual planting in front of the tombstone are not allowed.

(d) Damaged or faded artificial flowers or wreaths may be removed by the Cemetery Supervisor as necessary to maintain the attractive, safe and neat appearance of the Cemetery. Any flowers on the ground will be discarded during mowing season (June 10th through October 31st).

(e) Lot owners are prohibited from placing on graves all toys, glass, chinaware, or other commemorative articles of any kind, with the exception that memorial markers are from the armed services or nationally recognized clubs shall be permitted. Prohibited articles so placed shall be removed and disposed of by the Cemetery Maintenance personnel or crew, without notice to the owner.

REMOVAL OF ENCLOSURES OR OTHER MATERIALS. The City of Westmoreland reserves the right to remove any enclosure which has fallen into a state of disrepair or any other material which is deemed detrimental to the general good appearance of the grounds, or which shall, in the opinion of the City Council prevent the easy or proper care of the Cemetery.

CONDUCT IN THE CITY CEMETERY. All persons within the City Cemetery shall conduct themselves in a manner consistent with the solemn nature of a public cemetery. No persons, without specific authority from the City shall:

- (a) Deposit rubbish or debris on any part of the Cemetery grounds, except in receptacles provided.
- (b) Remove objects not belonging to them; pick flowers, shrubs or plant or injure anything on any part of the grounds.
- (c) Permit any unleashed pet to enter or remain in the Cemetery.
- (d) Consume or carry any type of alcoholic refreshments.
- (e) Carry firearms, except as permitted for military funerals or law enforcement officers or ceremonial events.

PERMANENT MAINTENANCE CARE; DEFINITION. Permanent maintenance care entitles a lot, fraction thereof or grave plot to normal maintenance, including cutting of grass and weeds when 4" tall; trimming including around all stones, pruning and providing other care to permanent plant materials; and removal of rubbish and trash. Such care does not include special care or cultivation of flowers, bushes, shrubs or plants on lots, fractions thereof or grave plots. Repair of whifing or damaged monuments is the responsibility of the City of Westmoreland.

ADDITIONAL LOT CARE; PURCHASE. When the owner of a lot or portion thereof in the City Cemetery wishes he may fill out a work request and submit it to the City Clerk, or may ask the Mayor to have Maintenance personnel perform such improvements and care as the lot owner desires, providing it conforms with the rules and regulations governing the City Cemetery to fill a work request and submit it to the Clerk. The cost of labor and materials will be paid by the person requesting the work and the monies received shall be deposited to the general operating fund of the City Treasury.

CEMETERY HOURS. The City Cemetery shall be open to the public each day from sunrise until sundown. It shall be unlawful for any person, other than Cemetery personnel or persons so authorized by the Mayor, to be upon the Cemetery grounds at any other time.

**SPECIFICATIONS FOR SETTING GRAVE MARKERS IN
THE WESTMORELAND CITY CEMETERY**

(1) FOUNDATION: Width

All monuments, grave markers, or footstones placed in the Westmoreland City Cemetery shall be set in the center of a concrete foundation which shall be not less than four and one-half (4½) inches longer and four and one-half (4½) inches wider on all sides than the base of the monument, marker or footstone; and such foundation shall be so placed that the top thereof is level with the surrounding ground. The top of the foundation shall be formed and finished smoothly with a trowel unless at least three (3) inch reinforced precast concrete of the same length and width as the poured foundation is employed.

(2) FOUNDATION: Construction

(a) The foundation for all monuments shall have a minimum depth of twelve (12) inches underpinned by concrete piers at least four (4) inches in diameter and extending to a minimum of 40 inches below grade. The foundation for all markers or footstones shall have a minimum depth of twelve (12) inches underpinned by concrete piers at least four (4) inches in diameter and extending to a minimum of 40 inches below grade.

(b) The number and locations of the piers shall conform to the following:

Monuments, Markers, Headstones, or Footstone Length of base. Base less than 24 inches long one (1) pier in the center of foundation. From two (2) feet to two and one-half (2½) feet- two (2) piers, one (1) on each end. From two and one-half (2½) feet to three (3) feet-three (3) piers, one (1) on each end, and one (1) in the middle of other side. From three (3) feet to five (5) feet-four (4) piers, one (1) on each corner. Base less than twenty (20) inches long-one (1) pier on center of foundation. Base more than twenty (20) inches in length-one (1) additional pier for each additional foot in base length. Reinforcement steel shall be used in each pier when the weight of the monument warrants such use.

(3) MONUMENTS, HEADSTONES OR FOOTSTONES: Attachment to Foundation

The base of all monuments, headstones or footstones must be adequately secured to the Foundation by use of sealer, dowelling, or by casting into the foundation.

(4) FLOWER HOLES:

Flower holes of at least one half (1/2) inch diameter must be placed to either side of the monument base and must extend through the entire foundation for drainage. The edge of the flower hole must be at least one and one-half (1½) inches from the edge of the foundation. No annual planting allowed in front of the tobstone.

(5) INFANT MONUMENTS:

Specifications for all monuments and grave markers for infants are the same as for other monument specifications of the Westmoreland City Cemetery, except that the width of the foundation shall not exceed two (2) feet, and only one (1) concrete pier is required.

(6) CREMAINS SECTION MONUMENTS:

The foundation for monuments in cremains plots in the Westmoreland City Cemetery shall be no larger than 48 inches in length and 38 inches in width, if placed on a single plot.

(7) SUPERVISION:

All monument work done in the Westmoreland City Cemetery shall be under the direction of the City Council or their designated representative. Any work done which does not meet the above specifications shall be re-done on order of the City Council or their representative. Any company or individual which refuses to comply with the above specifications will be prohibited from doing any further monument work in the Westmoreland City Cemetery.

Passed by the governing body of the City of Westmoreland, Kansas, on this ___ day of _____, 2010.

Mayor

ATTEST:

City Clerk

ATTACHMENT:

**INFORMATION ON VARIOUS PLANT CARE FROM HORTICULTURAL SERVICES,
MANHATTAN, KANSAS**

A. PEONIES

1. Mature bushes
 - a. Mow or cut off **ONLY** after they are no longer showing signs of growth and are at least half brown.
2. Immature bushes
 - a. Mow or cut off **ONLY** after they are no longer showing signs of growth and are **ENTIRELY** brown.
(The reason: the leaves are still producing and the nutrients being made are stored in the roots for next year's growth and blooms.)

B. IRIS

1. Mature or young plants
 - a. Mow or cut off only after the plant has bloomed fully and the leaves are **AT LEAST** half brown. The longer the leaves are left in place, the better for the plant's growth in the spring.
(The reason: The leaves are still producing nutrients to be stored in the roots.)

C. TULIPS

1. Mature or young plants
 - a. Mow or cut off **ONLY** after the plant has bloomed fully and the leaves are **AT LEAST** half brown. The longer the leaves are left in place, the better for the bulbs growth next spring.
(The reason: The leaves are still producing nutrients to be stored in the bulbs.)

D. KNOCK OUT ROSES-CITY PLANTINGS ONLY

1. Mature or young plants
 - a. Prune in the spring when plants are leafing out-leave eight (8) or ten (10) inches.
 - b. Dead heading is not necessary during the summer and fall.
 - c. Fertilize about July 1 with 13-13-13.

NOTE: peonies, particularly young plants, if mowed off too early will either be set back an entire year in the blooming cycle or possibly killed.