

Code Ordinance

By: City Clerk and Public Works

Introduced: June 22, 2015

Public Hearing: July 27, 2015

Adopted: July 27, 2015

Vote: Buswell, Graham, O'Barr, Sullivan-Leonard, Wall and Wilson in favor

**City of Wasilla
Ordinance Serial No. 15-19**

An ordinance of the Wasilla City Council amending WMC Chapter 13.24, Wasilla Aurora Cemetery, and adding a new section in regard to the columbarium.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

Section 2. Amendment of chapter. WMC 13.24, Wasilla Aurora Cemetery, is amended to read as follows:

13.24.010 Definitions.

When used in this chapter, the following words and phrases shall have the meanings set forth in this section:

~~“Burial disinterment permit” means a valid state of Alaska disinterment and reinterment permit allowing the removal of a deceased person’s remains from a grave in any of the cemeteries.~~

~~“Burial permit,” means a~~ **A** valid state of Alaska permit allowing the burial of a deceased person in the cemetery.

~~“City eCemetery.” means the several~~ **Several** tracts within the Wasilla Aurora Cemetery described as Parcel 1, 2, 3, 4 and 5 of Plat No. 63-22, dated August 2, 1963, Palmer Recording District encompassing an area of ten (10) acres more or less.

Columbarium. A structure, either free standing or part of another building, containing niches for the interment of cremated remains.

~~“Grave,” means the~~ **An** individual place of burial.

~~“Grave preparation” means the excavation, backfill and removal of excess material from a burial lot and replacement of the turf.~~

~~“Grave reservation permit” means a revocable use permit to reserve a lot or lots in the cemetery.~~

Underline, added. ~~Strikethrough, deleted~~

Niche. A compartment in a columbarium for permanent placement of an urn or urns containing cremated remains.

~~“Irreducible fund” means a special revenue accounting fund, the earnings of which shall be used exclusively for cemetery maintenance, operation and capital improvements.~~

~~“Lot.” means a A parcel of land within a plot for burial of one or more persons, as designated by city regulations.~~

~~“Plot.” means a A ground area containing four lots or as shown on the official cemetery plats.~~

~~“Remains.” means any Any part or parts of the body of a deceased person.~~

Urn. A container designated to permanently store and transport the human cremated remains of one person.

13.24.020 Purpose.

The city assumes cemetery powers to serve the residents of the city as set forth in AS 29.35.010.

13.24.030 Intent.

(A) The intent of the city is to sell the remaining lots **and columbarium niches in the Wasilla Aurora Cemetery** as may be laid out in existing property and to maintain ~~the existing cemetery~~ in perpetuity. No further acquisitions of land are anticipated at the existing site or other new sites **Wasilla Aurora Cemetery or at other new sites.**

(B) Only natural persons may purchase a ~~grave lot~~ **or niche** and each purchaser shall be limited to acquisition of no more than ~~ten (10) grave lots~~ **or niches**. The intention of this subsection is to encourage family-motivated ~~grave lot~~ use and discourage institutional speculation on purchasing ~~grave lots~~ **or niches** for resale. However, mortuaries, funeral parlors or other similar corporate or business entities may purchase ~~grave lots~~ **and niches** upon presentation of satisfactory evidence that the purchase is not for speculative or profit purpose. (~~e.g., purchase of grave site for burial of indigents~~).

13.24.040 Exercise of powers.

(A) The **public works director** ~~mayor~~ shall be responsible for ~~general~~ administration of the Wasilla Aurora Cemetery ~~and shall promulgate rules and regulations subject to approval by council.~~

(B) The city will take all reasonable precautions to protect the property within the cemetery, and disclaims all responsibility for loss or damage from causes beyond its reasonable control, and from damage caused by the elements, an act of God, thieves, vandals, malicious mischief makers, unavoidable accidents, whether the damage be direct or collateral, other than as provided from within this chapter.

Underline, added. ~~Strikethrough, deleted~~

13.24.050 Financial.

All receipts from the ~~Wasilla cemetery association~~ and sales of cemetery lots **and niches** shall be deposited in an irreducible nonexpendable trust accounting fund, the interest of which shall be used exclusively for the maintenance, operation of and capital improvements construction in the cemetery. Actual operations will continue in the general fund. **Capital expenditures resulting in additional sales shall be provided from the irreducible nonexpendable trust accounting fund.** Interest earnings, when available, will be transferred through an operating transfer to the general fund.

13.24.060 Administration.

(A) **Fees.** Any ~~grave lot~~ **or niche** may be purchased or reserved by purchase, on a first-come, first-served basis by any person, ~~regardless of race, creed, color or religion,~~ by payment to the city clerk of the required purchase fee established by council. B. Purchase fees **are** for ~~grave sites~~ is as follows:

<u>Standard Lot; includes one small flat lot marker with inscription to include name, date of birth, and date of death.</u>	\$1,000 00.00
<u>Niche; includes one initial opening and closing and one niche inscription to include name, date of birth and date of death.</u>	<u>\$1,000</u>
<u>Additional niche opening and closing - each occurrence; two business days advanced notice needed.</u>	<u>\$100</u>
<u>Evening or Weekend Employee Call-out Charge; after 3 p.m. One week advanced notice needed.</u>	<u>\$200</u>
<u>Holiday Employee Call-out Charge; for City recognized holidays. One week advanced notice needed.</u>	<u>\$300</u>
Double interment lot	\$350.00
Cremains lot	\$100.00
Additional burials within standard lot	\$100.00

Upon purchase of a lot or lots a grave reservation permit shall be issued by the city clerk.

C. The designation of areas of the Aurora Cemetery are as follows:

East Division	Secti on 1	General Section	Plots	1-135
East Division	Secti on 2	Veterans Section	Plots	151-240

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East Division	Secti on-3	Catholic Section	Plots	241-277
East Division	Secti on-4	General Section	Plots	280-329
Note: Plats 136-150 used for Road				
West Division	Secti on-5	General Section	Plots	Unnumbered
Undefin ed	Secti on-6	Cremain s Section	Plots	Undefined

~~Persons purchasing grave sites shall be informed of the designated areas but may purchase grave plots in any of the four sections they may choose.~~

~~(B)D. Record. The public works director, or his or her designee, city administration shall maintain permanent records indicating the lot and plot numbers of grave sites, columbarium niches, names and burial date of burial of all deceased persons interred in Wasilla Aurora Cemetery, and the name and contact information of the purchaser, and the date of purchase. A properly completed sState of Alaska burial permit shall be provided at the time of interment. to the city clerk by funeral directors, embalmers, executors, or other persons or agencies lawfully permitted and required to execute burial permits. Such permits shall be permanently maintained on file by the city.~~

~~(C) E. Records shall be maintained by the city administration that indicate pre-purchased or reserved lots, and plots, the name and address of the purchaser, and the date of purchase. Purchase. The city shall not authorize the use of pre-purchased or reserved lots or plots niches to anyone other than the purchaser or properly designated representative of the purchaser. A purchaser may relinquish rights to any unused lot or plot niche and receive full refund of the purchase price paid, and shall but may not sell to a third party. unless the original purchaser or properly designated representative of the purchaser and such third party:~~

- ~~— 1. Mutually present, to the city, satisfactory proof the transfer of the permit; and~~
- ~~— 2. Request re-issuance of a new permit in the name of the third party.~~

~~(D)F. Disinterment. The remains of any person may be disinterred upon submission of a state disinterment and re-interment permit to the public works director, city clerk and a deposit made per Section 13.24.090. If a private contractor is to be used the deposit will be refunded once the grave has been properly backfilled and inspected by the public works department. The purchase price of lots graves described above will not be refunded and the lot grave shall return to the pool of unsold lots. The public works director city clerk shall maintain records to indicate the interment and disinterment.~~

Underline, added. Strikethrough, deleted

13.24.070 Lot maintenance and memorial markers in the cemetery east division.

(A) The east division shall be designated in the following manner: Section 1, General; Section 2, VFW, Section 3, Catholic; and Section 4 General. Memorial Markers shall be allowed in Sections 1, 2, 3 and 4 as follows: A. Headstones, plaques or other memorial markers may be placed on the westerly end of each lot ~~and~~ but shall not extend beyond the width of the lot, nor extend more than thirty (30) inches from the westerly end of the lot. All permanent markers shall be constructed from such materials and in such a manner as to assure long-term permanence in good condition. All markers shall be placed on a foundation of solid material at a depth and size and in a manner to be determined by the public works director. The public works director will have the final decision as to whether a marker meets the requirements. Notification to the public works director is required prior to the installation of any type of permanent memorial marker.

(B) The ground surface of all grave lots shall be maintained to be level and at the same elevation as the surrounding surface.

(C) No fences, B. Fences, rock outlines, benches, or other structures are not permitted on or around a lot without prior approval of the public works director, or his or her designee. The city is not responsible for items placed on or around a lot and assumes no responsibility for their return to the owner. At the discretion of the city, decorations may be removed and discarded by city employees without notice, except as provided in subsection A of this section. The ground surface of all grave plots shall be maintained to be level and at the same elevation as the surrounding surface.

~~C.~~(D) No planting of trees is allowed at any time. The planting of flowers or shrubbery Planting or placement of on or around a the grave lot is not permitted without prior approval of the public works director, or his or her designee. Fresh or potted flowers are permitted at any time. Plastic or silk flowers are only permitted during the months of October 1 through March 31 of each year, within twenty-four (24) inches of a memorial marker or from the westerly end of the lot is permitted. Planting or placing shrubs, flowering bushes or trees that exceed three feet in height or beyond the longitudinal limits stated herein are prohibited. Plants, flowers, or and containers placed beyond the dimensions of the lot stated herein for more than 72 forty-eight (48) hours shall be considered abandoned and may be removed and discarded by city employees without notice. The city is not responsible for items placed on or around a lot and assumes no responsibility for their return to the owner.

(E) No memorials, including and not limited to, candles, flags, stuffed animals, balloons, mobiles or other moving decorations, clothing, toys, food, drinks, fabric materials, or any other items, shall be placed on or around a lot. The city is not responsible for items placed on or around a lot and assumes no responsibility for their return to the owner. At the discretion of the city, decorations may be removed and discarded by city employees without notice.

Underline, added. Strikethrough, deleted

~~D-(F)~~ Structures, **benches, plants, trees, flowers, and other adornments**, other than headstones or memorial plaques that do not comply with the provisions of this section may be removed and discarded by city employees **without notice**, after one hundred twenty (120) days following adoption of this section.

13.24.080 Memorial markers in the west division.

The west division shall be designated in the following manner: Section 5, General. Memorial markers shall be allowed in Section as follows:

A. Headstones, plaques or other memorial markers may be placed on the westerly end of each lot but shall not extend beyond the width of the lot and shall be flush mounted (level with the surrounding ground foundation and shall not extend more than thirty (30) inches from the westerly end of the lot. No marker, containers, plants, or other items shall be permitted to permanently extend higher than the level ground surface.

B. Fences, rock outlines or other structures are not permitted except as provided in subsection A of this section. The ground surface of all grave plots shall be maintained to be level and at the same elevation as the surrounding surface.

C. Structures, other than headstones or memorial plaques found to be in violation of this section may be removed without notice. (Prior code § 13.16.045)

13.24.090 Internment and disinterment procedures. Grave excavation.

(A) **At least two (2) business days' notice before an internment, and up to seven (7) business days' notice to any disinterment or removal is required to be given to the public works director.** Persons in need of grave excavation are encouraged to engage in private contractors for these services. The **public works director** city clerk may maintain a list of contractors who indicate a desire and capability to perform the work. Emergency grave excavation services may be provided by the city employees at rates to be established by the mayor.

(B) The public works director, or **his or her designee**, his or her representative shall mark the excavation limits for each grave prior to **excavation** a contractor beginning work. All graves shall be excavated to an east-west length direction **and to the depth designated below**. Cremains must be in a sealed container and may be dug with an auger.

□

	Depth	Length	Width
Single interment (adult)	6'	7'	3'
Double interment (adult)	8'	7'6"	3'
Single interment (child)	6'	6'	3'
Double interment (child)	8'	6'	3'
Cremains	2'	As needed	As needed

(C) No person shall prepare a cemetery lot for burial unless that person has received instruction and orientation as to proper grave excavation and closing procedures by the public works **director, or his or her designee** department.

Underline, added. ~~Strikethrough, deleted~~

13.24.100 Columbarium.

(A) *Inurnment.* Only human cremated remains in an urn may be placed in the niche and shall be of a size suitable for the niche. The ownership of the niche and the structure remains with the city.

(B) *Opening and closing.* A niche may be opened only at the request of the niche owner as listed in the cemetery records or as determined by the public works director. All opening and closings and work related to the niches shall be completed by the public works director, or his or her designee. The initial opening and closing of the niche is included in the original cost of the niche. If it is necessary to reopen the niche at a later date, an additional fee will be incurred.

(C) *Inscriptions.* The public works director will select a standardized font and size of the lettering for the inscriptions on the niche. One initial inscription is included in the original cost of the niche. An additional fee will be incurred for each additional inscription.

(D) *Decorations.* Fresh flowers are permitted in niche base at any time. Plastic or silk flowers are only permitted during the months of October 1 through March 31 of each year. No memorials, including and not limited to, candles, flags, stuffed animals, balloons, mobiles or other moving decorations, clothing, toys, food, drinks, or any other items, shall be placed at the columbarium. Wire to fasten items to a niche is not permitted at any time. No arrangements, flags, decals or other items shall be taped, wired, glued, pasted, or otherwise affixed to a niche or the columbarium. The city is not responsible for items placed on or around the columbarium and assumes no responsibility for their return to the owner. At the discretion of the city, decorations may be removed and discarded by city employees without notice.

(F) *Vacancy.* Should a niche become vacant by the removal of cremains without prior notice to the city, all rights of the owner in said niche shall revert to the city. The city reserves the right to retain all funds related to that niche.

Section 3. Removal of plants, flowers, trees or shrubbery. Plants, trees, flowers or shrubbery currently planted, or benches or other structures currently placed in the Wasilla Aurora Cemetery may be removed by the owner by June 30, 2016. After that date, the City reserves the right to remove items without notice. It is the intent of the City to upgrade the grounds of the cemetery, especially in the lower section, as time and funding permit; this will include removal of trees, shrubbery, plants and flowers, and the planting of new lawn and other beautification.

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Section 4. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on July 27, 2015.



BERT L. COTTLE, Mayor

ATTEST:



KRISTIE SMITHERS, MMC, City Clerk

[SEAL]





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CITY OF
WASILLA
 • ALASKA •

CITY COUNCIL LEGISLATION STAFF REPORT

Ordinance Serial No. 15-19: Amending Wasilla Municipal Code Chapter 13.24, Wasilla Aurora Cemetery, and adding a new section in regard to the columbarium.

Originator: Kristie Smithers, City Clerk and Mayor Bert Cottle
 Date: 6/4/2015 Agenda of: 6/22/2015

Route to:	Department Head	Signature	Date
X	City Attorney		
X	Public Works Director		6/8/15
X	Finance Director		6-9-15
X	Deputy Administrator		6/10/15
X	City Clerk		6.8.15

Reviewed by Mayor Bert L. Cottle: _____

Fiscal Impact: yes or no Revenues from the proposed fees are expected to off-set expenses.

Account name/number: Cemetery Fund 410-4560-456

Attachments: Ordinance Serial No. 15-19 (8 pages)
 Cemetery Rules effective August 1, 2015 (2 pages)

Summary Statement: When reviewing the Wasilla Municipal Code, the chapter in reference to the Wasilla Aurora Cemetery is in great need of amendment, and with the recent addition of the columbarium, rules for that also need to be incorporated. Ordinance Serial No. 15-19 updates the code and also adds rules for the columbarium. This ordinance:

- Clarifies our processes, rules, and definitions, and adds the wording related to the columbarium throughout the ordinance.
- Adds a new fee structure for lots and the columbarium niches. Currently there are no available lots for sale in the cemetery; however in the case some are sold back to the City; we will increase the price to \$1,000 per lot rather than the \$200 as charged in the past. The \$1,000 lot and niche price is customary throughout the area.
- Assigns the cemetery duties to the Public Works Department. The Clerk's Office will assist in the transition and training to the public works staff for the next several months on the records, mapping and cemetery management program.
- Adds new section relating to the rules associated with the columbarium.

Lastly, the biggest revision relates to new rules relating to lot maintenance and markers in the cemetery and the newly installed columbarium. This ordinance does NOT ALLOW for owners to plant trees, flowers, or shrubs in the cemetery. Further, it limits the amount of decorations and adornments that are placed on or around a lot or at the columbarium and will allow staff to remove decorations or adornments without notice.

The current code had two different rules for the lower and upper sections of the cemetery; these rules have not been followed. The upper section was initially supposed to have flat markers installed and have no benches, trees, plants, shrubs or flowers planted and limited decorations. And, the lower section had really no or limited rules to follow.

Over the past 15 years, we have continued to receive several complaints about the rules not being followed. We have also had several trees which have been encroaching onto other lots; some of them have been removed so others could use their reserved lots. This will continue to be a problem as the trees and shrubs grow each year.

Administration believes that they need to begin with a new improvement plan to plant new grass and other beautification throughout the cemetery. This will take several years to accomplish and will be limited to funding and labor restrictions. Each year, they plan to work on a small section at a time and remove encroaching trees and shrubs and begin to plant grass so the whole cemetery will be easier to maintain which will save tax payers money.

This ordinance will allow current lot owners to remove existing plants, trees, shrubs or flowers and benches and other structures until next June; this will give them ample time before the City staff will begin their upgrade and beautification plans.

Staff Recommendation: Introduce and set for public hearing Ordinance Serial No. 15-19.

Wasilla Aurora Cemetery Rules

Plot Maintenance | Effective August 1, 2015

- Fresh cut or potted flowers or plant containers are allowed on a lot at any time.
- Plastic or silk flowers are allowed from October 1st through March 31st of each year.
- No planting of trees is allowed. Shrubs, perennial or annual flowers, placement of benches, fences, rocks, or other structures may be allowed on or around a lot with the approval of the Public Works Director. Currently planted trees, shrubs, and flowers may be removed by the owner no later than June 30, 2016; after that time, City personnel may remove any planted items without notice.
- No structures, adornments, decorations or other items are allowed on or around a grave lot. Items will be removed without notice and discarded after 72-hours of display. This includes:
 - candles
 - flags
 - stuffed animals
 - balloons
 - mobiles or other moving decoration
 - clothing
 - toys
 - food and drinks
 - fabric materials
 - any other items
- The ground surface of all grave lots shall be level and at the same elevation as the surrounding surface. City personnel attempts to fill sinking graves several times throughout the summer months. Contact the Public Works Department to report any sinkage or other issues.
- Contact the Public Works Department at least two (2) business days prior to installation of a marker:
 - All plots shall be marked by city personnel prior to the installation of a marker.
 - Markers shall be placed on a cement foundation with 5" depth and 5" clearance around the marker. This will allow for the proper ground maintenance around the plot and marker.

Contact the Public Works Department at 373.9010.

Wasilla Aurora Cemetery Rules Columbarium Maintenance | Effective August 1, 2015

- Fresh cut or potted flowers or plant containers are allowed at the base of the columbarium at any time.
- Plastic or silk flowers are allowed from October 1st through March 31st of each year.
- No planting of trees is allowed. Shrubs, perennial or annual flowers, placement of benches, or other structures may be allowed with the approval of the Public Works Director.
- Structures, adornments, decorations or other items will be removed without notice and discarded after 72-hours of display. This includes:
 - candles
 - flags
 - stuffed animals
 - balloons
 - mobiles or other moving decorations
 - clothing
 - toys
 - food and drinks
 - fabric materials
 - any other items
- Wire to fasten items to a niche or columbarium is not allowed at any time. No arrangements, flags, decals or other items shall be taped, wired, glued, pasted, or otherwise affixed to a niche.
- Contact the Public Works Department at least two (2) business days prior to the opening and closing of a niche during business hours.
 - Evening, weekend, or holiday niche opening and closing includes an extra charge and requires seven (7) business days prior notice.
 - Payment must be paid to the City of Wasilla during business hours prior to the opening and closing of a niche.
 - Niche inscription shall be arranged by City personnel. Contact the Public Works Department to place an order for inscription.

Contact the Public Works Department at 373.9010.