

CHAPTER 91: CEMETERY REGULATIONS

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§ 91.01 OPERATION SUBJECT TO LAW.

In addition to these rules and regulations, all interments, disinterments and removals are made subject to the laws of the State of Oregon, the rules and regulations of the Oregon State Health Division, and the laws of the city.
(Ord. 85-44, passed 11-25-85)

§ 91.02 HUMAN INTERMENT ONLY.

The cemetery is reserved for the interment of the human race only.
(Ord. 85-44, passed 11-25-85) Penalty, see § 10.99

§ 91.03 OWNERSHIP OF PROPERTY.

No interment shall be permitted in any property in Evergreen Cemetery unless said property is fully paid for.
(Ord. 85-44, passed 11-25-85) Penalty, see § 10.99

§ 91.04 NUMBER OF REMAINS; CASKET SPECIFICATIONS.

(A) *Number of remains.* Not more than one body, or the remains of more than one body, shall be interred in one grave, except in the case of a mother and newborn baby, or incinerated remains.

(B) *Casket specifications.* Every casket containing a human body must be enclosed in an outer box or vault constructed of concrete, corrosion resistant metal, or fiberglass. All vaults or liners shall be so constructed that they will bear a minimum weight of 150 pounds per square foot with a minimum of 12 inches of earth cover.
(Ord. 85-44, passed 11-25-85) Penalty, see § 10.99

§ 91.05 CREMATED REMAINS.

(A) Cremated remains must be interred in a concrete or corrosion-resistant container.

(B) There shall be no more than four cremated remains in any one plot.
(Ord. 85-44, passed 11-25-85) Penalty, see § 10.99

§ 91.06 PLOT DIVISION.

No plot or lot can be divided.
(Ord. 85-44, passed 11-25-85) Penalty, see § 10.99

§ 91.07 DESCENT OF PLOT.

Upon the death of the owner, unless he has disposed of the plot either by specific direction in his will, or by a written declaration of reservation, filed in the office of the City Manager, if no interment has been made in a plot, the plot descends to the heirs at law of the owner, subject to the rights of the surviving spouse.
(Ord. 85-44, passed 11-25-85; Am. Ord. 2016-01, passed 1-25-16)

§ 91.08 IMPROVEMENTS OR ALTERATIONS.

(A) All improvements or alterations of any part of the cemetery shall be under the direction of the Public Works Director, or his designee; and if made without his written consent, he shall have the right to remove, alter or change such improvements or alterations at the expense of the lot owner.

(B) Fences, curbs and enclosures around graves or lots are prohibited.
(Ord. 85-44, passed 11-25-85; Am. Ord. 2005-01, passed 4-25-05)

§ 91.09 DISINTERMENTS AND REMOVALS.

Disinterments and removals may be made with the written consent of the Public Works Director, surviving spouse, the surviving parents of a child or unmarried person, other persons who have the legal right to order disinterment, and the plot owner, provided all the requirements of the laws of the State of Oregon, ordinances of the city, and the rules and regulations of the cemetery are complied with. Failure to comply with the conditions stated herein, or any other good and sufficient reason, shall be full

authority for the Public Works Director to postpone or deny such disinterment and removal.
(Ord. 85-44, passed 11-25-85; Am. Ord. 2016-01, passed 1-25-16)

§ 91.10 PLACEMENT OF MEMENTOS AND OTHER TEMPORARY ITEMS.

The placing of boxes, shells, toys, ornaments, vases, wood or iron cases, statues, and other similar articles upon plots, markers or headstones shall be permitted under the following parameters and conditions:

(A) No items shall be placed on or in the grass or turf area;

(B) Items will be placed so as to not affect normal grounds maintenance activities;

(C) Items must be firmly affixed via string or tape in a manner which provides their easy removal yet keeps them firmly attached while they are in place;

(D) Items will be left in place no longer than 30 days and removal will be performed by the party who placed the items;

(E) The City of Seaside and Evergreen Cemetery will not be responsible for any loss, theft, damage, or removal of these items by vandals, storms, etc.;

(F) Items which inhibit maintenance operations and/or surpass the 30-day time period will be removed by Public Works staff.

(G) Absolutely no glass objects or containers of any kind are allowed.
(Ord. 2005-01, passed 4-26-05)

§ 91.11 DRIVEWAYS AND WALKWAYS.

No right of interment is granted to any property owner in any road, drive, alley or walk within the cemetery.
(Ord. 85-44, passed 11-25-85) Penalty, see § 10.99

§ 91.12 MARKERS AND FITTINGS.

(A) All markers, gravestones and memorials must include a border, with a minimum width of four inches flush with ground.

(B) All fittings, adornments, urns, inscriptions and/or arrangements of the crypts, or niches shall be subject to the approval and control of and acceptance or rejection by the Public Works Director, or his designee.

(Ord. 85-44, passed 11-25-85; Am. Ord. 2005-01, passed 4-25-05) Penalty, see § 10.99

§ 91.13 PLOTS SOLD BACK TO CITY.

In the event the owner of a plot decides not to utilize a plot purchased after October 1, 1985, it may be sold back to the city at 80% of the purchase price. Such a request for city purchase must be in writing.

(Ord. 85-44, passed 11-25-85; Am. Ord. 2016-01, passed 1-25-16)

§ 91.14 PURCHASE PRICE.

The city shall charge \$500 for each plot until changed by future ordinance of the City Council.

(Ord. 85-44, passed 11-25-85; Am. Ord. 89-09, passed 5-22-89; Am. Ord. 2016-01, passed 1-25-16)

§ 91.15 FLORAL REGULATIONS.

(A) No flower receptacles may be placed on any plots unless they are of metal and of approved size and design. Flower receptacles shall be of either galvanized stainless steel, or cast zinc, and a two section container shall consist of one outer container set firmly and permanently in the sod with the top of the container at lawn level, and one inside container of the reversible type.

(B) The Public Works Director, or his designee, shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of

any kind, from the cemetery as soon as, in the judgment of the Public Works Director, or his designee, they become unsightly, detrimental or diseased, or when they do not conform to the standard maintained.

(C) The city shall not be liable for floral pieces, baskets or frames in which or to which, such floral pieces are attached, beyond the acceptance of such floral pieces for funeral services held in the cemetery. The city shall not be responsible for frozen plants or herbage of any kind or for plantings damaged by the elements, theft, vandalism, wildlife, or by other causes beyond its control.

(D) The city reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained. The Public Works Director, or his designee, reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind, unless he gives his consent.

(E) No planting shall be made by anyone other than Public Works employees. Such planting as may be installed by Public Works employees will be limited to areas set aside for that purpose.

(F) Potted plants will be permitted to remain on lots five days before and five days after Easter Sunday and Memorial Day. If left after that time, they may be removed without notice. All winter decorations, including plastic or silk flowers, may be placed either in in-ground containers or monument vases between November 15 and February 15. Christmas items will be removed two weeks after Christmas.

(Ord. 2005-01, passed 4-25-05)

