

ORDINANCE No. 416

AN ORDINANCE FOR THE CONTROL AND OPERATION OF ZION CEMETERY;  
CREATING A CEMETERY SINKING FUND; PROVIDING FOR THE PERPETUAL CARE  
OF THE CEMETERY; REPEALING ORDINANCES IN CONFLICT HEREWITH; AND  
DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Except as otherwise provided herein the rules and regulations of the Zion Cemetery Association of Canby, Oregon, adopted January 10th, 1938, and revised in July, 1949, shall be the rules and regulations for the use, control, operation and management of the City's cemetery which is known as Zion Cemetery. Said rules and regulations may be revised and amended from time to time by resolution of the Canby City Council and to the extent not inconsistent with this ordinance.

Section 2: CITY RECORDER: The City Recorder shall receive, issue proper receipts for, and place in appropriate cemetery funds, all moneys due the City of Canby ( hereinafter referred to as the "City") from the sale of lots, services furnished and all other sources. The City Recorder shall issue in the name of the City, all permits required; he shall keep complete records of all matter pertaining to the cemetery, including a record of ownership of lots and graves, a record of all burial permits issued, showing the full name of the deceased, the place of birth (if known), age (if known), date and place of death, date of interment, cause of death, the number and date of permit, name of undertaker, lot or grave in which buried, and outside dimensions of coffin or box.

Section 3: CEMETERY SEXTON, APPOINTMENT, DUTIES AND COMPENSATION:  
A City Sexton shall be appointed by the Mayor subject to the approval of the City Council and said Sexton shall hold his office until vacated for cause by the City Council. The Sexton shall have full charge and general supervision over the City's Cemetery, its operation and upkeep, and he shall perform such duties in connection therewith as may be prescribed by the City Council from time to time. He shall keep on the cemetery premises a record of all interments, showing the full name of the deceased, place of birth (if known), age (if known), date and place of death, date of interment, cause of death, number and date of permit, name of undertaker, lot or grave in which buried and outside dimensions of coffin or box. The records to be kept by the Sexton at the cemetery shall be duplicates of the records to be kept by the City Recorder at the City Hall.

The Sexton shall receive as compensation such amounts as the Council may from time to time determine and the same shall be paid from funds to be budgeted annually for such purpose and the compensation herein provided shall be the sole compensation to be received by the Sexton for the services required of him and he shall not charge or receive any additional fee from any person, firm or corporation for services required of him in connection with said cemetery. The Sexton may, if he so desires, hire, contract with or employ others at his own expense to assist him in his duties as Sexton.

Section 4: PERMITS, INTERMENT, REMOVAL, TRANSFER: A permit from the City Recorder must be secured prior to the interment of any deceased person and a permit must also be secured prior to the removal of any body from the cemetery or the transfer of any body from one part of the cemetery to another. Written application for permits shall be made by the owner of the lot to be used and the

applicant shall state the full name of the deceased, place of birth, age at death, date and place of death, date of interment in cases of transfer or removal, name of undertaker and lot or grave used. In case of interment of a deceased owner of a lot, the application shall be signed by some member of his family or household or by his physician. No permit shall be issued unless all money due the City has been paid. The permit after issuance by the City Recorder must be filed with the Sexton at the cemetery at least twelve (12) hours before the time of the funeral and notice of the hour of the funeral must be given at the same time. In case of disinterments, a permit from the Oregon State Board of Health must be secured and the written consent of the owner or owners of the lot or surviving spouse, children, if of age, or parents of the deceased must be secured, but if the consent of any such person cannot be obtained, the consent of the County Court shall be sufficient.

Section 5: PRICES AND CHARGES: The City Council for the City of Canby shall, by resolution, establish the schedules of prices to be charged for lots, graves, grave openings and other services and privileges; provided however, that the charges now being made shall be continued until changed by resolution of the Council.

Section 6: CONVEYING TITLE TO LOTS: Every conveyance of a lot in the cemetery shall be by certificate of title, executed by the City Recorder, but such conveyance shall only have the effect of giving the perpetual use of a lot for burial purposes, subject to the laws of the State of Oregon and the ordinances of the City of Canby. No grave or lot which has been conveyed by the City can be sold, transferred, assigned or exchanged for other graves except with the consent of the City Council and upon such terms and conditions as the Council may provide. Any consent of the Council given for such purpose shall be made a part of the records of the minutes of any regular or special Council meeting at which such matter is considered; and notice in writing of such consent and the conditions thereof shall be mailed or otherwise delivered to the person or persons concerned by the City Recorder.

Section 7: OWNERS OF LOTS AND GRAVES, PRIVILEGES AND RESTRICTIONS: The owner of a grave in any improved portion of the cemetery will be allowed to remove the body from said grave and reinter it in any other grave in the cemetery which he may own and he will be allowed the price paid for such relinquished grave provided it is not more than the price of the grave selected for reinterment and upon submitting a quit claim deed to the City for the relinquished grave. The owner of a lot may, with the consent of the City Council, allow the burial of a friend or any other person in his grave, but to allow such burial for a compensation is strictly forbidden. The price of all graves includes the perpetual care of the same and is payable in advance before interment is permitted. Subdivisions of graves or lots by owners is not allowed. Planting of trees by lot or grave owners is prohibited.

Section 8: CEMETERY SINKING FUND: Fifteen Dollars (\$15.00) from the sale of any lot and Five Dollars (\$5.00) paid for any grave opening, plus any sums donated by any person or persons and specifically designated for perpetual care of the cemetery, shall be deposited upon receipt, by the City Recorder, to a special fund heretofore created and called "Cemetery Sinking Fund". Such fund shall be maintained and continued until the principal amount of such fund is Thirty Thousand Dollars (\$30,000.00), or until otherwise changed by the amendment of this ordinance. The City Council shall cause such fund to be properly invested and the income therefrom shall be devoted exclusively to

the permanent maintenance or perpetual care of the City's Zion Cemetery and as hereinafter provided. The obligation to be assumed by the City of Canby under the provisions of this section of this ordinance is to expend the income from the cemetery sinking fund in the care, maintenance and beautifying of the cemetery and all lots or graves therein as far as the income from such fund shall justify or permit and in the following manner and no other:

In the irrigation of the lots; in keeping the graves green and properly mowed; in reseeding to grass when necessary; in trimming and pruning the trees and the flowers and shrubbery permitted to be grown on the lots under the terms of this ordinance; in filling in and keeping up the general level of such graves as may cave in or sink; and in keeping in good working order and repair and renew when worn out, the water pipes and hydrants now or hereafter installed in the cemetery. Provided however, that the City of Canby shall not use any of the revenue derived from such fund or otherwise to dig any graves, erect or repair any tombstones or monuments, repair any fences or other enclosures, or place or replace any flowers or shrubs which are killed or die through no fault of the City or its agents.

Section 9: PENALTIES: Any person violating any of the provisions of this ordinance or the rules and regulations of the Zion Cemetery permitted and made hereunder shall be punished upon conviction in the Recorder's Court by being fined not more than One Hundred Dollars (\$100.00) or by being confined in the County jail for a period not exceeding twenty (20) days or by both such fine and imprisonment.

Section 10: CONFLICTING ORDINANCES REPEALED: All other ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 11: EMERGENCY CLAUSE: It being deemed by the Canby City Council that an emergency exists, this ordinance shall take effect immediately upon its final passage by the City Council and approval of the Mayor.

Passed on first reading by the Canby City Council at a regular meeting thereof held on the 20th day of May, 1958, ordered posted in three (3) public and conspicuous places as provided by City Charter and to come up for final reading and action of the Council at a regular meeting thereof to be held at the Canby City Hall on the 16th day of June, 1958.

Attest:

F. G. Lawrence  
F. G. Lawrence - City Recorder

Bertha E. Dedman  
Bertha E. Dedman - Mayor

Passed on final reading by the Canby City Council this 7th day of July, 1958, by the following vote: YEAS 4 NAYS 0.

Approved this 7th day of July, 1958:

Bertha E. Dedman  
Bertha E. Dedman - Mayor

Attest:

F. G. Lawrence  
F. G. Lawrence - City Recorder

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