

ORDINANCE NO. 678

AN ORDINANCE FOR THE CONTROL AND OPERATION OF ZION MEMORIAL PARK;
DEFINING THE CEMETERY RESERVE 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 10, 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 now known as Zion Memorial Park. Said rules and regulations may be revised and amended from time to time by resolution of the Canby City Council to the extent not inconsistent with this ordinance.

Section 2: 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; and shall keep complete records of all matters 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: OPERATION & MAINTENANCE: The operation and maintenance of the cemetery shall be the responsibility of the Public Works Department, subject to the general supervision of the City Administrator. The Public Works Department 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 at the cemetery shall be duplicates of the records to be kept by the City Recorder at the City Hall.

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 Public Works Department giving ample time before 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 City Council 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 Administrator and upon such terms and conditions as the Administrator may provide. 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 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 approval of the City Administrator, allow the burial of a friend or any other person in such lot but to allow such burial for any 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, however, the burial of cremains within the graves of immediate family members shall be permitted provided that not more than one marker or headstone is installed per grave. Planting of trees or shrubs shall be prohibited in locations other than areas designated for such landscaping.

Section 8: CREMAIN LOTS: Additional to the provisions for cremain burial delineated in Section 7, other areas may be specifically portioned off for the purpose of cremain burials. Not more than one cremain burial shall occur on each such cremain lot.

Section 9: CEMETERY RESERVE FUND: Fifty Dollars (\$50) from the sale of any

standard grave lot, Twelve and 50/100 Dollars (\$12.50) from the sale of any child grave lot, and Five Dollars (\$5) from the sale of any baby grave or cremain lot, and Twelve and 50/100 Dollars (\$12.50) 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 Reserve Fund", (Formerly the Cemetery Sinking Fund). Such Fund shall be maintained and continued until the principal amount of such Fund is Two Hundred Fifty Thousand Dollars (\$250,000), 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 Memorial Park 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 Reserve Fund in the care, maintenance and beautification 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 10: PENALTIES: Any person violating any of the provisions of this

ordinance or the rules and regulations of the Zion Memorial Park permitted and made hereunder shall be punished upon conviction in Municipal Court by being fined not more than One Hundred Dollars (\$100) or by being confined in the County Jail for a period not exceeding twenty (20) days or by both such fine and imprisonment.

Section 11: CONFLICTING ORDINANCES REPEALED: Ordinance No. 416 enacted July 7, 1958, and later amended, and all other ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 12: EFFECTIVE DATE: This ordinance shall take effect at 12:01 A.M. Oregon Daylight Saving Time on Thursday, July 3, 1980, in order that a revised schedule of prices and charges to be made for lots, graves, grave liners, grave openings, and monument installations at Zion Memorial Park may be applied on and after that date.

Submitted to the Council and read for the first time at a regular meeting on June 4, 1980, and scheduled for second reading and action of the Canby City Council at a regular meeting thereof to be held on Wednesday, the 2nd day of July, 1980, commencing at the hour of 7:30 o'clock P.M. at the Council meeting chambers at the Canby City Hall in Canby, Oregon.

Harold A. Wyman
Harold A. Wyman, City Recorder

Passed on final reading of the Canby City Council at a regular meeting thereof held on the 2nd day of July, 1980, by the following vote:

YEAS 6 NAYS 0.

Robert E. Rapp
Robt. E. Rapp, Mayor

ATTEST:

Harold A. Wyman
Harold A. Wyman, City Recorder