

## CHAPTER XII. PUBLIC PROPERTY

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#### ARTICLE 1. WASHINGTON CITY CEMETERY

12-101 CEMETERY SEXTON. The mayor shall each year appoint a cemetery sexton for the Washington City Cemetery by and with the advice and consent of the city council, who shall hold the office for the term of one (1) year from the first Monday in May, and may be removed at any time for cause by the mayor and council. The cemetery sexton shall be under the direction of the city council and shall be paid the sum of one hundred twenty-five dollars (\$125.00) per year. **(Ord. 662 Sec. 1; Ord 681 Sec. 1)**

12-102 DUTIES OF SEXTON. The cemetery sexton shall have charge of the Washington City Cemetery in accordance with the terms of this Article and rules and regulations prescribed by the mayor and city council. He shall have general and immediate control and supervision of all digging and excavating for graves or removal of bodies when requested by any person. The cemetery sexton shall open and close all graves and the city shall receive the sum of two hundred dollars (\$200) from the person for whom such service is performed; PROVIDED, in the case of a decedent who has been cremated, the charge for opening and closing of the grave shall be the sum of one hundred dollars (\$100.00). (Ord 662 Sec. 1)

The cemetery sexton shall be responsible to see that the cemetery is kept in a well groomed condition. He shall utilize city equipment and personnel for this purpose in cooperation with the city administrator. The cemetery sexton shall be present in person, or have a deputy present, to designate the place for interment and see that the same is accomplished to meet the requirements of this Ordinance, and help to keep the cemetery in proper order. (Ord. 662 Sec. 5)

12-103 GRAVES: DIGGING, EXCAVATING. No person shall do any digging or excavating for graves unless the same shall be with the knowledge and consent and under the supervision of the cemetery sexton.

All graves will be made in a rectangular shape due east and west in order to prevent mistakes, and when wood boxes, vaults, or concrete boxes are used, they must be sent to the cemetery in advance. (Ord. 662 Sec. 13)

All permits for the digging of graves will be issued by the city clerk and paid for when issued. They will be directed by the cemetery sexton designating the lot upon which the grave is to be dug. (Ord. 662 Sec. 10)

Nothing herein contained shall prevent the city clerk from issuing, without charge, permits for the burial of the poor in the opening and closing of graves in "Potter's Field". Such interments shall be under the supervision of the cemetery sexton. (Ord. 662 Sec. 11)

- 12-104 PURCHASE OF LOTS. All lots in the City Cemetery shall be sold for the sum of One Thousand Two Hundred Dollars (\$1,200.00) for a whole lot and a whole lot shall provide 12 burial sites. Lots may be purchased in quarters with the purchase price based upon the part of a whole lot purchased. One twelfth (1/12) of the purchase price of a lot or part thereof shall be applied to perpetual care and eleven-twelfths (11/12) shall be for the lot site. (Ord. 697 Sec. 1)

Persons desirous of purchasing a lot may go to the city clerk, who will be provided with a suitable chart or plat of said cemetery, from which to make a selection. Upon the sale of a lot, or portion thereof, the purchaser shall receive a certificate signed by the mayor and counter-signed by the city clerk showing ownership or title to the lot or portion thereof. No certificate will be issued to the purchaser until the full purchase price is received by the city clerk. (Ord. 662 Sec. 6)

- 12-105 POTTER'S FIELD. A portion of said cemetery shall be set apart for the burial of the poor, which portions shall be known as "Potter's Field". A minimum burial including a marker showing the name, birth and date of death, sex and race shall be provided for those without family and poverty stricken, from whatever public funds are available at the time. (Ord. 662 Sec. 7)

- 12-106 RECORDS. The city clerk is required to keep a record showing the name, age, sex, and race (and in the case of infants under the age of ten years, the name of one or both parents) of every person interred, and the date when and the number of the lot when interred in said cemetery. (Ord. 662 Sec. 12)

It shall be the duty of the governing body of said city to have surveyed and plotted from time to time such portions of said cemetery, as necessity requires. Further, until such time as lots have been sold in any section, the governing body shall have the power and authority to change the survey and plotting of said section. (Ord. 662 Sec. 4)

- 12-107 UPKEEP AND MAINTENANCE. Upkeep and maintenance of the Washington City Cemetery shall be financed as much as possible from interest from funds in perpetual care account under the direction of the city clerk as ordered by the city council. The balance of expenses incurred for upkeep and maintenance of said cemetery shall be borne by the City of Washington. (Ord. 662 Sec. 17)

- 12-108 GROUNDS. No person will be allowed to plant trees or shrubs on graves or lots without previously consulting with the cemetery sexton, and no shrubbery or vines which tend to sucker or sprout, and become obnoxious to adjoining lot owners shall be allowed to be planted on any grave or lot. The City Council, nor the employees of the cemetery have any desire to interfere with the taste of

individuals in regard to the style of their improvements, but in justice to the interest of all concerned, the city council reserves the right to prevent the placing of or to remove any structures or objects which shall be deemed injurious to the grounds or general good appearance of the grounds and particularly, of adjoining lots. (Ord. 662 Sec. 14)

12-109 MARKERS, LOTS. The construction of fences, coping, curbing, or walls around the cemetery lots or parts of lots or graves, shall be prohibited except by special approval by the cemetery sexton and the city council. No raised mounds will be permitted and no lot, or part of a lot or grave therein, shall be filled above the level of adjoining lots. Cornerstones used for the marking of lots shall be set level with the ground.

The use of foot stones or any other obstacle at the foot of the grave that will interfere with the mowing of the lots or graves is hereby forbidden and prohibited. Monuments, headstones, or markers shall be of a standard commercial design, shall not exceed twenty (20) inches in width, and must be placed on good substantial foundations made of cement, rock and sand. The cement and sand to be mixed with at least one part of cement to every four (4) parts of good clean sand, and the foundation to be at least three (3) inches larger every way than the monument, headstone, or marker; PROVIDED, the foundation shall not exceed two (2) feet. The foundation shall be constructed under the supervision of the cemetery sexton.

Driving of vehicles or riding or driving animals on any other part of the cemetery than that laid out for driveways is hereby prohibited and forbidden. It shall be the duty of the cemetery sexton to enforce the above provisions of this section. (Ord. 662 Sec. 3)

12-110 CEMETERY SEXTON; POWERS. The cemetery sexton shall have police power to enforce the provisions of this Article.

12-111 PROVISIONS. No person shall violate any of the following provisions:

- (a) That no vehicle shall be driven in excess of twenty (20) miles per hour within the boundaries of the cemetery.
- (b) That no obscene language or loud or profane conversations shall be allowed within the boundaries of the cemetery.
- (c) That all persons are forbidden to pick flowers, or to break any shrubs or trees within the boundaries of the cemetery.
- (d) That no animals shall be allowed within the cemetery unless they are essential to the conduction of the funeral service or interment.
- (e) That all persons are forbidden to write upon, cut, bruise, break, discolor, or otherwise deface or injure any stone, monument, fence or any other structure within or about said cemetery. (Ord. 662 Sec. 16)

12-112 PENALTY. Any person violating any of the provisions of this Article shall, upon conviction thereof, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and costs of prosecution, and shall be confined and imprisoned in the county jail until such fine and costs are paid.

12-113 RULES, REGULATIONS. The city council shall have power to prescribe suitable and necessary rules and regulations for the cemetery sexton and cemetery in accordance with the terms of this Article.

12-114 CEMETERY SERVICE CHARGES. The following charges shall be made for services provided at Washington City Cemetery:

- (1) Standard Interment . . . \$200.00
- (2) Baby Interment (under 18 months) . . . \$100.00
- (3) Ashes placed in cement . . . \$100.00
- (4) An additional charge of \$100.00 shall be made for burials on Saturdays and Sundays. (Ord. 681 Sec. 2)

12-115 SPECIAL WORK. Lot owners may employ the cemetery sexton to do special work on their lots or graves, which work shall be paid for to the sexton or the city clerk. Monies received from such work will be paid to the city administrator or placed in the cemetery perpetual care fund at the discretion of the city council, and depending on when the work is done and the particular situation involved. (Ord. 662 Sec. 15)

12-116 REOPENING GRAVE; DISINTERMENT.

- (a) Any person desiring to reopen any grave in Washington City Cemetery to disinter or remove a body therefrom shall first obtain a release form therefore from the cemetery sexton and upon proper application, proof of authority, and payment of the deposit required by this section shall be authorized to do so. The release form shall set forth the name of the person buried, the person or persons requesting disinterment, the place where the body is to be reburied and such other information as may be required by the city and the signatures thereon shall be verified.
- (b) The fee for reopening a grave and removing a body therefrom shall be three hundred dollars (\$300.00) which shall be paid in advance of approval.
- (c) The reopening of such grave and removal of such body shall be under the supervision of the cemetery sexton.

- (d) When the applicant proposes a re-interment in another lot in the cemetery, a service charge shall be paid in the amount required for an original interment, in addition to the disinterment fee as provided herein.
- (e) Any markers or monuments designating the location of an interment shall be removed at the time a disinterment is made.
- (f) An order of the district court for the exhumation of the body of a deceased person shall be of sufficient application for a release hereunder, and in such case no deposit shall be required, but the cost of such exhumation shall be a claim against the county commissioners as provided by law. (Ord. 681 Sec. 2)

## ARTICLE 2. SURFACE BURIAL VAULTS

12-201 INDIVIDUAL MAUSOLEUM OR SURFACE BURIAL VAULT. It shall be unlawful for anyone to be buried in the Washington City Cemetery by a type of burial known as the “individual mausoleum” or “surface burial built” embodying a concrete receptacle covered with a concrete slab.

12-202 PERMANENT OUTSIDE CONTAINERS. In all interments, the casket shall be enclosed in a permanent outside container. The following are considered permanent outside containers: Non-sectional concrete vaults, copper or steel burial vaults and burial vaults constructed of fiberglass reinforced polyesters of a type approved by the cemetery sexton. (Ord. 681 Sec. 4)

12-203 ENFORCEMENT. The cemetery sexton shall enforce this Article and is hereby authorized to proceed on behalf of the city to obtain an injunction or other court order or relief on behalf of the city against anyone attempting burial in violation of Sections 12-201 and 12-202 of this Article. (Ord. 681 Sec. 5)

## ARTICLE 3. CITY PARKS

12-301 OCCUPANCY AND USE OF CITY PARKS EXCLUDING THE DESIGNATED CAMPING AREAS. No person shall use or occupy any public parks, recreation facilities, or other property under the ownership, jurisdiction or control of the City Council of the City of Washington, Kansas, or any part thereof, for any purpose or purposes for a period in excess of twenty-four (24) hours.

12-302 INTERFERENCE WITH RIGHTS OF ANOTHER. It is unlawful for any person to interfere with the rights of another person to use the public parks, recreation facilities or other property under the ownership, jurisdiction or control of the City Council of Washington, Kansas, by committing any of the following acts:

- (a) Impeding, disrupting, hindering or denying another person the right to enter, use or leave any park or recreation facility; or
- (b) Impeding another person in the lawful use of park or recreation facilities through the use of restraint, abduction, coercion and intimidation, or by force and violence, or threat thereof; or
- (c) Impeding, disrupting or hindering another person by any act or intrusion into an area for which the other person has permission by the City Council of Washington, Kansas, for that facility and at that time, and in which said person is then present, for the purpose of occupying the facility; or
- (d) Refusing or failing to leave any such park or recreation facility upon being requested to do so by any law enforcement officer or authorized representative of the City Council of Washington, Kansas, charged with maintaining order in such public parks, recreation facilities or other property under the ownership, jurisdiction or control of the City Council of Washington, Kansas, if such person is committing, threatens to commit or incites others to commit any act which would, or would if completed, disrupt, impair or interfere with the rights of another person to lawfully use the property or facilities.

12-303 PENALTY. Violation of the Article is an unclassified misdemeanor, as defined by Chapter XI, Article 4 of this Code.

12-304 USE OF CAMPING AREA AT THE PARK IN THE CITY OF WASHINGTON, KANSAS, AND CHARGES THEREFORE. Any person or persons may use the camping area in the city park in the City of Washington, Kansas, without charge for a total period of seventy-two (72) hours in any consecutive thirty (30) day period of time. Any person or persons using the camping area in said city park for more than seventy-two (72) hours in any consecutive thirty (30) day period shall be charged the sum of seven dollars (\$7.00) for each twenty-four (24) hour period or part thereof for use of said camping area in excess of seventy-two (72) hours in any consecutive thirty (30) day period which charge of seven dollars (\$7.00) shall be payable to the City of Washington in advance.

In the event that any person or persons uses said camping area for a period in excess of seventy-two (72) hours in any consecutive thirty (30) day period and fails to pay the charges hereinabove set forth in advance, the City of Washington shall have the right to disconnect any utilities being used by such person or persons and to prosecute such person or persons for theft of services in addition any other penalties set forth in Chapter XII of the Code of the City of Washington, Kansas, 1985. (Ord. 659 Sec. 1)