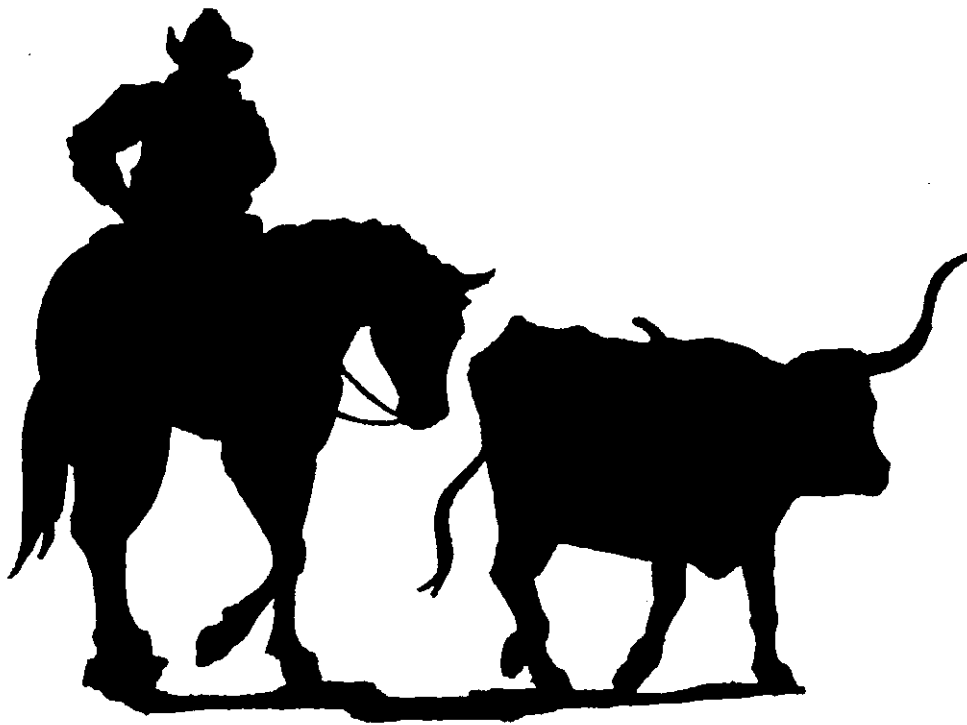


# **CITY OF OGALLALA, NEBRASKA**

## **CEMETERY RULES AND REGULATIONS**



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# **RULES & REGULATIONS FOR THE CITY OF OGALLALA CEMETERY**

## **1.00 INTRODUCTION**

The City of Ogallala Cemetery is the final resting place for our loved ones. To insure their continued care and an aesthetically pleasing environment certain regulations must be adhered to in order to insure the quality, mutual safety and protection of lot owners and the City of Ogallala. We do not wish to displease anyone. Quite the contrary, we want to make your Cemetery pleasing to everyone and we feel sure that these rules will provide a much more beautiful and conforming place in which to come and pay your respects.

These Rules and Regulations are adopted as the RULES AND REGULATIONS FOR THE OPERATION OF THE CITY OF OGALLALA CEMETERY-and are for the mutual protection of right of interment owners and the City of Ogallala, and are intended to provide the Cemetery with a uniform and permanent beauty.

All right of interment owners, visitors, Cemetery employees, persons working directly or indirectly for right of interment owners and all right of interment spaces sold shall be subject to these Rules and Regulations, and subject further to such other rules and regulations, amendments or alterations as shall be adopted by the City of Ogallala from time to time.

Requests or complaints should be directed to the Cemetery Manager, in writing, at the Cemetery office, which is located at the western edge of the Cemetery at 2501 West 5<sup>th</sup> Street. In the absence of the Cemetery Manager, request or complaints shall be directed to the City Manager, in writing, at the City Administration building, 411 East 2<sup>nd</sup> Street, Ogallala, NE 69153. All requests and complaints will be investigated in a prompt manner.

## **2.00 DEFINITIONS**

**Baby** – A child that has not yet attained its second birthday anniversary.

**Burial Receptacle** – A container designed to enclose a casket for burial purposes.

**Casket** – A container designed to enclose a body for burial.

**Cemetery** – A burial park for earth burial, owned by the City of Ogallala, Nebraska, including:

- a) All land dedicated, reserved or used for interment purposes;
- b) All vegetation therein;
- c) All graves, crypts, or other interment spaces therein;
- d) All works of art therein;
- e) All roads, walkways and other structures of every kind therein; and,
- f) All equipment and facilities incident to the operation of cemetery.

**Cemetery Manager** – The employee of the City of Ogallala, under the direction of the City Manager responsible for the care and maintenance of the cemetery.

**Cemetery Office** – 2501 West 5<sup>th</sup> Street, Ogallala, NE 69153

**City** – The City of Ogallala, 411 East 2<sup>nd</sup>, Ogallala, NE 69153

**City Council** – The Governing Body of the City of Ogallala, Nebraska

**City Manager** – The chief executive officer of the city who shall be responsible for the proper administration of all affairs of the City, including the operation of the Cemetery.

**Common Lot Owners** – Person or persons who purchased the Lot, Plot or Burial spaces, or if deceased, their heirs.

**Disinterment** – The removal of the interred remains of a deceased person, casket, if any, and the burial receptacle from the ground.

**Foundation** – The base or foundation upon which a monument, memorial or headstone is installed.

**Grave** – A space of land in a Cemetery used or intended to be used for the burial of human remains.

**Infant** – Same as baby.

**Immediate Family** – Father, Mother and natural children of same.

**Interment** – The (a) burial, or (b) the inurnment of cremated human remains.

**Inurnment** – The placement of cremated human remains in a container and placement of such container in a grave.

**Lot, Plot or Burial Space** – The terms “Lot”, “Plot” or “Burial Space” shall be used interchangeably and shall apply with like effect to one, or more than one adjoining graves.

**Mausoleum** – An above ground structure for interment of human remains.

**Memorial** – A monument, grave marker or headstone identifying a grave or graves.

**Monument** – Same as memorial.

**Owner** – The person or persons:

a) The person or persons the Cemetery has conveyed a right of interment; or,

- b) The person or persons that holds such right by inheritance.

Standard Interment – The earthen burial of a body in a casket contained in a burial receptacle.

Urn – A container for cremated remains.

### **3.00 GENERAL PROVISIONS**

#### **3.01 OWNERSHIP AND MANAGEMENT**

Ogallala Cemetery is owned and managed by the City of Ogallala. The City Council has the right of general control of the Cemetery in all matters, whether or not they are specifically covered by these Rules and Regulations. The operation of the Cemetery shall be under the direction of the City Manager and shall be handled by the Cemetery Manager. The Cemetery Manager is hereby expressly empowered to enforce these Rules and Regulations.

The Cemetery Manager shall have complete charge of the Cemetery, grounds and buildings, and, at all times, shall have supervision of all persons within the Cemetery, including but not limited to traffic, employees, right of interment owners and visitors. The complete charge granted to the Cemetery Manager does not extend to funeral processions under the direction of a licensed funeral director.

#### **3.02 BUSINESS OFFICE**

All fees, payments or charges for any right of interment or service shall be paid to the City at the Office of the City Clerk, 411 East 2nd Street, Ogallala, NE 69153. All applications for purchase, transfer, assignment of right of interment, interment and disinterment orders, foundation and monument permits, or special permits of any kind shall be made at the City Office.

#### **3.03 WORK TO BE DONE BY THE CITY**

Except as otherwise provided herein, all grading, landscape work and improvements of any kind, all care of lots, planting, trimming, cutting or removal of all trees, shrubs and herbage of any kind, and all opening or closing of graves shall be made by the City.

#### **3.04 CITY NOT RESPONSIBLE FOR DAMAGE**

The City shall take reasonable precautions to protect right of interment owners and lots from loss or damage. While the Cemetery will exercise reasonable care to protect raised lettering, carving, or ornaments on any memorial, or other structure, on any lot, the City disclaims any responsibility for loss or damage from causes beyond its reasonable control, including but not limited to damages caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, maintenance accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage is direct or collateral.

### **3.05 LIABILITY FOR DAMAGE**

Any person damaging, or causing to be damaged, any Cemetery property owned by the City or property within the Cemetery owned by an individual, will be held liable to repair said damaged property or to replace the property damaged to its former state, without delay, and in a manner satisfactory to the Cemetery Manager.

### **3.06 CITY SHALL NOT DISCRIMINATE**

All decisions made by the City and its employees in connection with the operation of the Cemetery shall be made without regard to race, creed, color, national origin, sex, marital status, religion, ancestry, mental or physical disability or age.

### **3.07 RIGHT TO REPLAT, RE-GRADE AND USE PROPERTY**

The right to enlarge, reduce, replat and/or change the boundaries or grading of the Cemetery or of a section or sections, from time to time, including the right to modify and/or change the locations of or remove or re-grade roads, drives and/or walks, or any part thereof, is hereby expressly reserved to the City. The right to lay, maintain and operate or alter or change pipelines and/or gutters for sprinkling systems, drainage, lakes, etc., is also expressly reserved to the City; as well as the right to use Cemetery property, not sold to right of interment owners, for Cemetery purposes, including the interring and preparing for interment of human bodies, or for anything necessary, incidental or convenient thereto. The City reserves for itself and to those lawfully entitled thereto, a perpetual right to ingress and egress over lots for the purpose of passage to and from other lots.

### **3.08 NO RIGHT GRANTED IN ROADWAYS**

No easement or right of interment is granted to any right of interment owner in any road, drive or walk within the Cemetery, but such roads, drives or walks may be used as a means of access to or within the Cemetery during normal operating hours. The City shall have the right, at any time, to close any road, drive or walk within the Cemetery.

## **4.00 CONDUCT WITHIN THE CEMETERY**

### **4.01 IMPROPRIETIES**

All persons in the Cemetery shall conduct themselves with a level of decorum appropriate to the solemnity of the purposes and uses of the Cemetery and with respect for other persons and for property within the Cemetery.

### **4.02 CASKET NOT TO BE DISTURBED**

Once a casket or other burial receptacle containing a body is in the confines of the Cemetery no funeral director or his embalmer, assistant, employee, agent, cemetery official or employee, or any other person shall be permitted to open a casket or touch the body without the consent of the legal representatives of the deceased or a court order.

#### **4.03 PROHIBITED ACTIVITIES**

No person shall be permitted to gather wild, cultivated, or artificial flowers, or break trees, shrubs or plants. No person shall be permitted to gather or collect decorations, flowers or plants from graves unless that person placed them there.

No person shall be permitted to have alcoholic beverages within the Cemetery grounds at any time.

No person shall be permitted to sit or lounge on any of the grounds, graves or monuments within the Cemetery, or in any of the Cemetery buildings except in connection with a visit to a particular burial space or lot.

Throwing rubbish on any part of the grounds or buildings, except into designated receptacles is prohibited.

Peddling or soliciting the sale of flowers or plants or any other goods, commodities or service is prohibited in the Cemetery.

No signs, notices or advertisements, other than those created by the City related to Cemetery business, shall be permitted within the Cemetery grounds.

No firearms shall be permitted within the Cemetery, except firearms used in connection with a military funeral or similar occasion, or by police officers.

No dogs, or any other animal shall be allowed in the Cemetery or in any of the Cemetery buildings unless they are properly supervised, and properly leashed. The owner or keeper of any animal, which trespasses upon the Cemetery grounds, shall be liable for any damage done by the animal. Horses or other animals may be used in conjunction with funerals with the permission of the Cemetery Manager.

#### **4.04 HOURS**

Visitors are welcome and the Cemetery grounds will be open at the times posted at the Cemetery office and entrance. The Cemetery is closed to public access after dark.

May 1st thru Oct. 31st      7 A.M. to Sunset.

Nov. 1st thru April 30th      8 A.M. to Sunset.

#### **4.05 TRAVERSING CEMETERY PROPERTY**

Persons within the Cemetery shall use only the main entrances, roads, drives or walks as thoroughfares and no person shall walk on the grass unless it is necessary to do so to reach a particular lot, except that a work person may use such space as is necessary to perform maintenance or other services in connection with a lot.

#### **4.06 VEHICLES**

All traffic rules applicable in the City of Ogallala shall be applicable to operations of vehicles in the Ogallala Cemetery. Automobiles shall not be driven in the Cemetery at a



speed greater than fifteen (15) miles per hour. Automobiles are not allowed to park or come to a complete stop in front of an open grave unless such automobiles are in attendance at a funeral.

Heavy hauling trucks or commercial vehicles of any kind are not permitted within the Cemetery grounds, unless they have a business purpose for being in the Cemetery.

## **5.00 PURCHASE OF THE RIGHT OF INTERMENT**

### **5.01 APPLICATIONS FOR PURCHASE**

Applications for the purchase of the right of interment must be made at the City office where plats showing the size, location and description of all lots and the schedule of prices will be kept on file.

### **5.02 PAYMENT OF FEES**

The amount of all fees and charges shall be established by resolution by the Ogallala City Council. All charges for any service rendered by Cemetery employees for interment must be paid for at or prior to the time such services are rendered, unless prior arrangements have been made for billing to be sent to a licensed funeral director. The full payment of the fee relating to the sale of a lot for right of interment must be made prior to interment. All payments must be made at the Office of the City Clerk.

### **5.03 RIGHT OF INTERMENT**

All certificates shall grant to the person(s) to whom the same is issued the right of interment for interment of human remains only, subject to these Rules and Regulations. Such certificate shall vest in the proprietor, his or her heirs and assigns, a right in fee simple of such lot for the sole purpose of interment.

### **5.04 CHANGE OF ADDRESS**

It shall be the duty of the right of interment owner to notify the City of any change in the owner's mailing address. Notice sent to such owner at the last address on file in the Cemetery office shall be considered sufficient and proper legal notification.

### **5.05 ABANDONED BURIAL SPACES**

Reversion: The right of interment in any unoccupied burial space shall, upon abandonment, revert to the City.

Presumption: Failure to inter in any burial space after seventy-five (75) years from the date of purchase shall create a presumption that the same has been abandoned; provided, however, this presumption shall not apply when a letter of intent is filed by the owner or the owners heirs or assigns stating that the owner intends to keep specified burial spaces vacant.

Notice Required: Abandonment shall not be deemed complete unless the owner or his or her heirs or assigns shall be notified of the abandonment in writing, mailed to the owner's last known address, by the Cemetery Manager. In the event that the address

of the owner or his or her heirs cannot be ascertained, then notice of such abandonment shall be given by publishing the same in local newspaper once a week for four (4) weeks.

Failure to Reply: If the owner of his or her heirs or assigns fails to inform the Cemetery Office of an intention to retain the burial space(s) within sixty (60) days after the date the Notice of Abandonment was mailed or after final publication of such notice, then abandonment shall become final and the City may thereafter sell, transfer, and convey the right of interment therein.

#### **5.06 TRANSFERS AND ASSIGNMENTS**

No transfer or assignment of the right of interment in any lot or burial space shall be valid without the prior written consent of the City, which written consent shall thereafter be recorded in the books of the City. In the event the owner, or owners, of any unoccupied lots or burial lots desire to dispose of the same, the Cemetery shall have the option to repurchase the same from the owner or owners thereof, at the original purchase price.

The City shall have the right to refuse to consent to a transfer or an assignment as long as there is any indebtedness due the City by the owner of record.

#### **5.07 TRANSFER BY DESCENT**

If no interment has been made in a lot or burial space which has been transferred to an individual owner or owners by the City, or if all the bodies have been lawfully removed therefrom, in the absence of a specific disposition thereof in the owner's last will and testament, the lot shall, upon the death of the owner, descent in regular line of succession as described in the state statutes to the heirs of the owner.

#### **5.08 SPECULATION FORBIDDEN**

Burial lots shall not be held and used for speculation and no lot owner shall permit for compensation other interment in or upon any lot held by him or her.

#### **5.09 ERRORS MAY BE CORRECTED**

The City reserves the right to correct any errors made by it in the description of the location of the lot or burial space to which the right of interment is conveyed, either by canceling the sale and substituting in lieu thereof other burial space(s) or lots(s) of equal value and in a similar location, or in sole discretion of the City, by refunding the amount of money paid for said right of interment.

#### **6.00 INTERMENTS**

##### **6.01 SUBJECT TO LAWS AND ORDERS**

In addition to these Rules and Regulations, all interments shall be subject to the orders and laws of the City of Ogallala, Keith County and the State of Nebraska.

## **6.02 TIME AND SCHEDULING**

All interments must be scheduled through the Cemetery Manager's office. Interments or funeral services on Sundays or on any of the City's recognized holidays may be subject to an additional fee, as prescribed by the Ogallala City Council.

## **6.03 AUTHORIZATION OF LOT OWNER**

No person may be interred in any burial space without the written consent of all living common lot owners.

## **6.04 LOCATION OF BURIAL SPACE**

The right of interment owner or other authorized representative of the right of interment owner must select the burial space. This must be done in sufficient time to allow the opening and closing of the grave. When instructions regarding the location of a burial space on a lot cannot be obtained or are indefinite, or when, for any reason, the burial space cannot be opened where specified, the Cemetery Manager may, in his/her discretion, open it in such location on the lot as he/she deems best and proper; and the City shall not be liable for damages resulting from any such change. If, for any reason, instructions concerning the location of the burial space to be opened are changed by the funeral director, burial space or lot owner or their representatives after the digging has begun, been complete, or the burial has been made, the person requesting the change shall be responsible for the payment of applicable additional fees to the City. Such fees shall be paid before any work pursuant to the revised instructions.

In the event that an error is made in the description of the location of the burial space to which the right of interment is purchased and remains are subsequently interred in such space, the City reserves the right to remove and transfer such remains to such other property of equal value and in a similar location as may be available, at the expense of the City, subject to the provisions of Article 7 below.

The City shall not be held responsible for any mistake occurring as a result of failure to provide precise and proper instructions as to the particular space, size or location where an interment is desired.

## **6.05 BURIAL RECEPTACLE REQUIREMENTS**

Every earth interment must be made in a burial receptacle made of a material suitable for such use. Burial receptacles shall be designed to obtain their strength from their shape and construction, taking into consideration the material used. They shall be designed specifically for use as containers to be placed in a burial space. Receptacles shall be of adequate size to completely enclose the casket. Structural soundness and strength shall be obtained through the receptacle itself without any dependence upon the casket.

## **6.06 INTERMENT OF CREMATED REMAINS**

The person(s) requesting interment of cremated remains may chose any container, other than one made of glass, for the cremated remains. The container shall not be

larger than two cubic feet. The City shall not be liable for the protection of the cremated remains or the container. In the event that the cremated remains must be relocated for any reason, the City shall not be responsible for any damage to the cremated remains or the container.

The right of interment of one (1) cremated remains on a space already utilized for a standard burial is allowed after the common lot owner(s) have given permission for said interment. If cremated remains are commingled in one urn and interment is completed at one (1) time it will be considered as one (1) cremated remains and only one (1) opening and closing fee will be charged.

#### **6.07 DELAYS IN INTERMENTS CAUSED BY PROTESTS**

The City shall in no way be held liable for any delay in the interment of a body, where a protest to the interment has been made, or where these Rules and Regulations have not been complied with.

#### **6.08 INTERMENTS PER STANDARD SIZE BURIAL SPACE**

One adult; or

One infant; or

Two cremations; or

One adult and two cremations; as long as the Adult Full occurs first; or

One adult and one infant buried in the same casket, such as mother and infant or father and infant, at the same time, are considered one standard burial; or

Two cremations may be allowed with notification given at the time of the first interment.

All single standard burials must have a minimum of Eighteen inches of dirt on top.

Burials of a container of cremains shall be of a depth sufficient to provide a minimum of Eighteen inches of dirt on top.

#### **6.09 INTERMENTS PER INFANT BURIAL SPACE**

a) One infant;

b) Multiple fetuses as long as they are buried at the same time in the same casket/vault and the total size of the casket/vault is no more than 31"x 15".

Burials of infants shall be of a depth sufficient to provide a minimum of fourteen inches of dirt on top, if not completely covered by a monument or stone.

#### **6.10 INTERMENTS PER CREMATION BURIAL SPACE**

a) One cremation;

b) Burials of cremations shall be of a depth sufficient to provide a minimum of Eighteen inches of dirt on top, if not completely covered by a monument or stone.

c) Cremation vault is not required, but if used it must fit the cremation space with at least 4 inches on any side.

## **7.00 DISINTERMENTS**

### **7.01 SUBJECT TO LAWS AND ORDERS**

In addition to these Rules and Regulations, all disinterment's shall be subject to the orders and laws of Keith County and the State of Nebraska.

### **7.02 PERMISSION FOR DISINTERMENTS**

No disinterment of a body will be made without an order of a court of competent jurisdiction.

### **7.03 NOTICE OF DISINTERMENT REQUIRED**

The City, except for emergencies, requires ten days' notice prior to any disinterment. No disinterment will be made on any Saturday, Sunday or on the day upon which any holiday is legally observed. All disinterment shall be done at the convenience of the Cemetery Manager.

### **7.04 DISINTERMENT PROHIBITED UNDER CERTAIN CIRCUMSTANCES**

Disinterment of a body so that the lot or burial space may be sold for profit to the heirs of the deceased or to any other persons, or removal contrary to the expressed or implied wish of the original lot or burial space owner shall be absolutely forbidden.

### **7.05 SERVICES PROVIDED**

The services provided in connection with disinterment include uncovering the grave and backfilling the empty burial space. The party responsible for the disinterment must provide for removing the remains of the deceased, the casket if any, and the burial receptacle. All fees assessed by the City for disinterment shall be paid to the Cemetery prior to the disinterment.

### **7.06 CITY NOT RESPONSIBLE**

The City shall endeavor to exercise the utmost care in carrying out a disinterment but it assumes no liability for damage to any casket, burial receptacle, remains of the deceased, or any other property during the disinterment process.

## **8.00 DECORATION OF LOTS AND BURIAL SPACES**

### **8.01 DECORATIONS**

Placement of decorations on the ground or the four inch cement collar or objects hanging down in those areas will not be allowed from April 1 through November 1 except for Easter weekend, Memorial Day and 7 days after. Examples of items not allowed include but not limited to: Solar lights, toys, statues, flower pots, garland, flower wraps, boxes, shells, stones, boulders, chairs, settees, fences, urns, glass containers, or anything that could be hazardous to City personnel or visitors.

Regulations for steel rod decorations ex. Shepherd hooks: Single stem only, drilled into foundation at least four inches from edge. Rod must not extend into the mowing path

and the hook must be over the stone, rod must be placed north or south of the monument, one rod per monument, no wrap of garland or flower wrap around the rod.

Organizations metal or plastic markers must be placed or drilled in the foundation at least four inches from edge on the north or south side of the monument.

Flags will be permitted in a permanent or in-ground reversible vase and will be removed when deemed unsightly by the cemetery manager.

Decorations may be placed on lots or burial spaces for Memorial Day for seven days; dates will be posted each year at the Cemetery entrances; and for fall/winter months from December 1st thru the second week in March. Cemetery personnel will dispose of decorations left beyond those times. Decorations may be placed in attached vases or on headstones at any time.

The City shall not be held liable for lost, misplaced or broken flower vases or for damage caused by the elements, thieves, and vandals or by causes reasonably beyond its control. The City reserves the right to regulate the method of decorating lots and the right to regulate decoration so that a uniform beauty may be maintained. The City may remove decorations that become unsightly.

## **9.00 MEMORIALS, MONUMENTS AND FOUNDATIONS**

### **9.01 MATERIALS, DESIGN AND FINISH**

Only natural stone of a durability and quality suitable for the purpose of a permanent monument or memorial shall be used. Artificial stone of any description shall not be permitted. The use of bronze is approved for tablets when attached to monuments or markers of natural stone. No other metals are approved for such use unless they are substantially non-corrosive and are of proven permanency. Bronze tablets may be set in finished concrete when placed flush with the ground.

The City shall have authority to reject any plan or design for any monument or memorial, which, on account of size, design, inscription, kind or quality of stone is in the opinion of the Cemetery Manager unsuited, to the lot on which it is to be placed.

Funeral Home temporary grave markers will be allowed for 12 months.

### **9.02 LOCATION AND INSTALLATION**

Only one above grade memorial shall be allowed on a lot. A single memorial may be placed on multiple adjacent lots that are owned by the same person(s). Monuments and markers may only be erected or installed by qualified monument companies or their approved representatives. All monuments and markers must have not less than a five - inch collar that is no more than one-inch above grade. Monuments or markers engraved on one side only shall face the nearest north-south street. Monument companies must give at least 24 hour notice (Monday-Friday non holiday) before setting a foundation. Prior to installation, the Cemetery Manager will survey to establish lot

boundaries and identify the appropriate end of the lot for the location of the memorial.

Any monument or marker that protrudes out on the top, ie monument bench, needs to be four inches back from the edge of the foundation.

All foot markers must be flush with the established grade.

### **9.03 PROHIBITED**

No coping, curbing, fencing, hedging, grave mounds, borders, or enclosures of any kind, shall be allowed around any graves or lot; and no walks shall be allowed on any lot. No Grave covers or surface mausoleums of any kind. The cemetery reserves the right to remove the same if so erected, planted, or placed.

### **9.04 FOUNDATIONS**

Foundations for monuments or memorials shall be no more than two feet wide and no longer than the width of the lot or lots concerned. The foundation shall be poured concrete four inches thick or poured concrete no less than two-inches thick under a pre-formed slab no less than two inches thick for a combined thickness of no less than four inches. Foundations for flush markers shall be poured concrete or pre-formed slab no less than four-inches thick with the marker extending no more than one-inch above the foundation. Foundations shall be at least five-inches larger than the base of the monument or marker and be no more than one-inch above grade. No part of a foundation or monument shall extend beyond the lot lines.

The Cemetery Manager may require additional information from contractor or memorial dealer to verify the design and depth of the foundation is sufficient to support the monument. Contractor or memorial dealer assumes full responsibility for the construction of a foundation of adequate depth and size to support the monument or marker.

### **9.05 RECESSED VASES**

Recessed vases will be allowed at each end of a monument as a part of the monument foundation. Flower vases must be of a type, which will lock securely and be flush with the foundation when not in use. All flower vases must maintain the five-inch collar in the ends of the foundation. Adequate provision shall be made for drainage in the vases. The City will not be liable for vases cracked because of poor drainage.

### **9.06 SUPERVISION OF WORKMEN**

Workmen employed in placing or erecting monuments and other structures, or bringing in materials, shall, with respect to the Cemetery, operate as independent contractors, but must do so with permission and under the general supervision of the Cemetery Manager.

Persons engaged in erecting monuments, or other structures, are prohibited from attaching ropes to monuments, trees and shrubs, or from scattering their material over adjoining lots, or from blocking avenues or driveways, or from leaving their material on

the grounds longer than is absolutely necessary. They must do as little injury to the grass, trees and shrubs as possible, and must remove all debris and restore the ground and sod to its original condition. No monument company will be permitted to do work of any kind in the Cemetery except during regular working hours and days.

No material, machinery, or other thing for the construction of vaults, mausoleums, monuments, or such structures, or monuments themselves may be brought into the Cemetery until required for immediate use. All work shall discontinue when a funeral is taking place. Work shall proceed promptly until the erection of the memorial is completed.

#### **9.07 PROOF OF INSURANCE**

Persons or firms who engage in the business of setting, cleaning or any other type of work to monuments, memorials or foundations must procure written permission from the Cemetery Manager before any work in the Cemetery is commenced. In order to secure such permission it shall be necessary for the person or firm to give proof of coverage as required by the Nebraska Workmen's Compensation Act and must also have casualty and liability insurance coverage of not less than \$300,000 per incident, not less than \$100,000 per individual, and property damage coverage of not less than \$50,000.

#### **9.08 DEFECTIVE MATERIAL OR WORKMANSHIP**

Should any memorial become unsightly, dilapidated, or a menace to visitors or Cemetery personnel, the Cemetery Manager shall have the right either to correct the condition or to remove the same at the expense of the lot owners.

The Cemetery Manager reserves the right to stop all work of any nature, whenever, in his opinion, proper preparations therefore have not been made; when tools and machinery are insufficient or defective; when work is being executed in such a manner as to threaten life or property; when the monument dealer has been guilty of misrepresentation; when any reasonable request on the part of the Cemetery Manager is disregarded; when work is not being executed according to specifications; or when any person employed on the work violates any rule of the Cemetery.

The Cemetery Manager may refuse permission to vendors or contractors to set monuments or do any other type of work if that vendor or contractor has defective material or workmanship in the Cemetery that has not been corrected to the satisfaction of the Cemetery Manager.

No monument or marker shall be removed from the Cemetery, except by the City, unless the written order of the plot owner is presented at the office of the Cemetery Manager and permission be granted. Monument companies or their agent(s) may remove monuments or memorials from the Cemetery upon providing proof of authority to do so at the office of the Cemetery Manager and permission be granted.

#### **9.09 RESPONSIBILITY FOR DAMAGE**

Any damage done to the Cemetery by dealers or contractors, or their agent, shall be



repaired by the Cemetery, and the cost of such repair shall be charged to the dealer or contractor, or to his principal.

## **10.00 RESERVED AREAS**

### **10.01 VETERANS MEMORIAL PLOT**

Section F, Block 97A in its entirety; and, Section K, Block 102A in its entirety shall be reserved for Veterans.

Arrangement for any burial in the Veteran's Memorial Plot cannot be made without first obtaining verification from the County Veteran's Service Office that the deceased is eligible for Veteran's Burial Benefits by virtue of honorable service as defined by the Veteran's Administration regulations. Upon furnishing such proof to the Cemetery Manager, permission for burial in the Veteran's Memorial Plot will be granted.

The standard interment of a spouse of a Veteran may be allowed on the same lot with notification given at the time of the first interment, as long as both are cremation or the first one interred is a full Adult and the second cremation.

### **10.02 INFANT MEMORIAL PLOT**

Section BB, in its entirety shall be reserved for infant burials.

All monuments or markers in this area shall be no more than one-inch above grade. Foundations shall be constructed according to the specifications as defined in Article 9.04.

## **11.00 AMENDMENTS, EXCEPTIONS AND GRIEVANCE PROCEDURE**

### **11.01 AMENDMENTS**

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City therefore reserves the right without notice to make exceptions, or modifications in any of these rules and regulations which in the judgment of the Cemetery Manager the same appear advisable, and such temporary exception, suspension, or modification shall in no way be construed as affecting the general application of such rule.

The City may choose, and hereby expressly reserves the right, to adopt new rules or regulations or to amend, alter and/or repeal any rule, regulation, article, section, paragraph or sentence in these Rules and Regulations. Such new or amended rules and regulations shall be binding on the right of interment owners of all lots and burial spaces regardless of the date such right of interment owner acquired the right of interment.

These Rules and Regulations, having been adopted by resolution by the City Council,

may be amended by adoption of a subsequent amending resolution.

### **11.02 GRIEVANCE RESOLUTION PROCEDURES**

A person who feels aggrieved shall first discuss his grievance with the Cemetery Manager. If the Cemetery Manager cannot resolve the person's grievance, the person may request an opinion from the City Manager and/or City Attorney. This request shall be in writing, and shall be submitted to the Cemetery Manager. If the opinion of the City Manager and/or City Attorney does not resolve the person's grievance the person may request that his grievance be resolved by the City Council. This request must be in writing and must be submitted to the City Clerk.

The City Council has the sole discretionary authority to interpret the policies of the City Cemetery and render decisions based on the individual merits of each particular situation, so long as they are within their rights under the constitution and laws of the State of Nebraska and the United States of America.

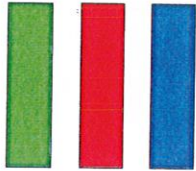
### **11.03 PENALTY PROVISIONS**

If any individual involved in the funeral or Cemetery business is found to have violated these Rules and Regulations, such individual may be excluded from the Cemetery, effective upon mailing of a notice of the violation to them. Such individual shall only be readmitted by the City upon proof that the violation did not occur, has been cured or other appropriate assurances are received.

Penalty amounts. Any person who violates any of the prohibitions or provisions of any section of this chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in this chapter or by statute, the penalty for such violation shall be in any amount not to exceed \$1,000, in the discretion of the court; and; provided, whenever any section of this chapter shall declare a nuisance, a violation of that section shall be penalized by a fine of not more than \$1,000, in which case a new violation shall be deemed to have been committed every 24 hours of such failure to comply.



SECTIONS  
BLOCKS  
LOTS



WEST 5TH STREET

