

ORDINANCE NO. 1161

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA AMENDING THE TOWN OF WICKENBURG CODE, CHAPTER 18 MUNICIPAL CEMETERY, ARTICLE 18-1 MUNICIPAL CEMETERY, BY AMENDING SECTION 18-1-4 DEFINITIONS; SECTION 18-1-5 GENERAL OPERATION; SECTION 18-1-6 RULES FEES AND DETAILS OF OPERATION; SECTION 18-1-7 GENERAL CONDITIONS; SECTION 18-1-8 PLOT MARKERS AND LANDSCAPING; SECTION 18-1-9 TRANSFER OF PLOTS; SECTION 18-1-11 OWNERSHIP OF CEMETERY PLOT; SECTION 18-1-12 ADDITIONAL REGULATIONS; SECTION 18-1-13 HEADSTONE AND BENCH PLACEMENT RULES AND REGULATIONS RELATED TO THE OPERATION OF THE WICKENBURG MUNICIPAL CEMETERY AND THE ISSUEANCE OF CERTIFICATES OF RIGHT OF INTERMENT; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

NOW THEREFORE BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, Arizona as follows:

Section 1. In General.

The Code of Wickenburg, Chapter 18 Municipal Cemetery, Article 18-1 Municipal Cemetery, is amended by amending Section 18-1-4 Definitions to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

Section 18-1-4 Definitions

- A. "Casket" means a commercially made container or equivalent, constructed of wood, board, or metal, in which a human body is buried.
- B. "Cemetery" means the Wickenburg Municipal Cemetery.
- C. "Cemetery Director" means the Town Manager or designee.
- D. "CERTIFICATE OF RIGHT OF INTERMENT" MEANS THE RIGHT TO BE BURIED IN A SPECIFIC PLOT AS ISSUED BY THE TOWN.

- D.E. **"Contractor"** shall mean any person, firm or corporation or anyone engaged in placing, erecting, burying or repairing any memorial, or performing any work in the cemetery, other than an employee of the Town.
- E. ~~"Deed"~~ see property deed below.
- F.F. **"Disinterment"** shall mean the removal of the entombed or buried remains of a deceased person which can only be done through a Final Exhumation Order of the Arizona Superior Court, Maricopa County, Arizona or State of Arizona Disinterment Permit.
- G.G. **"Grave"/ "Gravesite"** HAS THE SAME MEANING AS ~~means a plot of ground in the cemetery used, or intended to be used for the interment of human remains.~~
- H.H. **"Interment"** shall mean the disposition of human remains by burial or inurnment.
- I.I. **"Interment Right"** shall mean the particular right to inter the remains of a deceased person in a specific interment ~~plot or~~ space within the cemetery IN ACCORDANCE WITH A CERTIFICATE OF INTERMENT RIGHT, subject to the limitations and regulations set forth herein.
- J.J. **"Interment Services"** shall refer to the opening and closing of a particular interment space/plot located in the cemetery.
- K.K. **"Interment Space"** shall refer to the particular grave, ~~plot~~ or niche within the cemetery to which a particular interment right relates.
- L.L. **"Inurnment"** means placement of cremated remains into a niche.
- M.M. **"Memorial"** shall mean any marker or structure upon or in any plot or niche, placed thereupon or therein or partially therein for the purpose of identification or in memory of the interred.
- N.N. **"Niche"** means space used, intended to be used, for inurnment of cremated human remains.
- O.O. **"Outer Burial Container"** shall refer to the rigid outer container used to surround a casket or a cremated remains container, and shall include the products commonly known as vaults and grave liners.
- P.P. **"Owner"** shall mean the legal possessor of A CERTIFICATE OF INTERMENT RIGHT ~~used or unused rights of interment.~~

- Q.Q. **"Perpetual Care"** shall mean that all plots for which interment rights are sold or transferred shall have "perpetual" care as herein defined, free of further cost to the purchaser after payment of the original purchase price.
- R.R. **"Plot"** means space in the cemetery used or intended to be used for the interment of human remains. The term includes and applies to one (1) or more adjoining graves/plots, and/or one (1) or more adjoining niches.
- S. ~~"Property Deed" means once a gravesite or niche is purchased, the Town shall record the sale and provide a fully executed quit claim deed to the new owner of said property once deed is recorded through the Maricopa County Recorder's Office.~~
- T. ~~"PURCHASE AGREEMENT" shall mean the written contract between the Town, as cemetery owner, and purchaser pursuant to all regulations contained herein.~~
- U.S. **"TOWN"** means the Town of Wickenburg and its successors and assigns.
- V.T. **"WICKENBURG MUNICIPAL CEMETERY"** shall mean the area set aside, dedicated and platted for the interment of human remains.

The Code of Wickenburg, Chapter 18 Municipal Cemetery, Article 18-1 Municipal Cemetery, is amended by amending Section 18-1-5 General Operation Subsection H to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

Section 18-1-5 General Operation

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H. Caskets and Alternative Containers

All ground interments shall be made in caskets or alterative containers. All such caskets or alternative containers shall be constructed from at least three-quarter inch (3/4") thick particle board of sufficient strength to support the weight of an adult human body. Alternatively, caskets or alternative containers constructed from cardboard, corrugated fiberboard, pressed paper or similar materials may be used if such caskets have been approved by the Cemetery Director after receipt of satisfactory proof by the funeral home that such casket has been adequately tested and shown to be of sufficient strength to support the weight of an adult human body. EFFECTIVE FOR CERTIFICATES OF INTERMENT ISSUED ON OR AFTER MARCH 18, 2016, Aalternative containers may be used to bury up to six (6) FOUR (4) urns in one (1) gravesite. FOR SALES OF GRAVESITES MADE PRIOR TO MARCH 18, 2016, UP TO SIX (6) URNS MAY BE PLACED IN ONE GRAVESITE.

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The Code of Wickenburg, Chapter 18 Municipal Cemetery, Article 18-1 Municipal Cemetery, is amended by amending Section 18-1-6 Rules Fees and Details of Operation, Subsection A, Paragraphs 5, 6, 7 and 8 to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

Section 18-1-6

Rules Fees and Details of Operation

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5.—~~The Town shall charge a recordation and administrative fee as established by council resolution for each cemetery plot deed processed without a recent purchase of a gravesite.~~

6.5. Any cemetery plots OR CERTIFICATE OF RIGHT OF INTERMENT sold or given to another individual, ~~transferring ownership of said plot or plots~~ shall provide the Town with a notarized document with both seller and buyer original signatures and date of sale. Under no circumstances shall the Town accept faxed or reproduced/copied signatures. An administrative and recordation fee as established by council resolution shall be charged by the Town.

7.6. Gravesite locations are awarded on a first-come/first-served basis.

8.7. The Town will set up a payment plan for partial payments in lieu of a one-time payment in full for any grave site or sites for any plots on the “reserved” list. Payment arrangements shall be made through the Town Finance Department per Section 18-1-5.C. of this Chapter.

The Code of Wickenburg, Chapter 18 Municipal Cemetery, Article 18-1 Municipal Cemetery, is amended by amending Section 18-1-7 General Conditions, Subsection I to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

Section 18-1-7

General Conditions

* * *

I. LIMITED ~~Double~~ depth of the burial of a casket/vault is allowed per plot depending on the type of soil where the plot is located on the cemetery grounds. ~~This must be~~ IT IS RECOMMENDED THE requested BE MADE at the time of purchase; AND MUST BE MADE prior to any burials occurring at the specific gravesite. If cremains are being buried, up to ~~six (6)~~ FOUR (4) urns shall be allowed to be interred in one (1) plot. FOR CERTIFICATES OF RIGHTS OF INTERMENT ISSUED PRIOR TO MARCH 18, 2016, UP TO SIX (6) URNS SHALL BE ALLOWED IN ONE GRAVESITE.

* * *

The Code of Wickenburg, Chapter 18 Municipal Cemetery, Article 18-1 Municipal Cemetery, is amended by amending Section 18-1-8 Plot Markers and Landscaping, Subsections A and B to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

Section 18-1-8 Plot Markers and Landscaping

A. The owner of a cemetery plot shall have the right to erect a headstone under the supervision of the Funeral Director(s) or ~~Town Personnel~~ THE CEMETERY DIRECTOR. All ~~h~~Headstones ~~are required to be built and installed to the minimum industry standard.~~ MAY BE UPRIGHT, FLAT, SLANTED OR BEVELLED. THE CEMETERY DIRECTOR MAY APPROVE ALTERNATIVE HEADSTONES IF HE DETERMINES SUCH ALTERNATIVE IS GENERALLY CONSISTENT WITH THE ABOVE REQUIREMENTS. IN ADDITION, THE HEADSTONE SHALL COMPLY WITH THE FOLLOWING STANDARDS:

- DOES NOT CREATE A SAFETY HAZARD
- CONTAINS NO MOVING PARTS OR SHARP EDGES
- IS MANUFACTURED OF STURDY/LONG LASTING MATERIALS; NO WOOD OR DETERIORATING MATERIALS IS PERMITTED
- HAS A PROFESSIONAL APPEARANCE

B. If a single cemetery plot is used for more than one (1) set of human remains, ~~only one (1)~~ NOT MORE THAN THREE (3) markerS shall be allowed on the gravesite. The markerS shall contain all names, dates, etc. of all the deceased buried therein. ~~Exempt from this regulation is any veteran buried in the cemetery as they are also allowed foot markers to indicate a veteran was interred in that location. Some flexibility, at the request of the Funeral Director and with the written concurrence of the Cemetery Director, for plots that have more than one (1) set of remains interred when there is a marker issue.~~

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The Code of Wickenburg, Chapter 18 Municipal Cemetery, Article 18-1 Municipal Cemetery, is amended by amending Section 18-1-9 Transfer of Plots, Subsection A to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

Section 18-1-9 Transfer of Plots

A. Owners of a cemetery plot shall not transfer or assign any CERTIFICATE OF RIGHT OF INTERMENT FOR A plot ~~or interest therein~~, without prior consent, in writing, by the Town. Transfers shall REQUIRE THE OWNER TO PROVIDE ~~be done by providing~~ the Town with an original signed and notarized document by both the seller and buyer stating exactly what CERTIFICATE OF RIGHT OF INTERMENTS ARE ~~plot or plots were~~ being transferred to whom and from whom and date of transaction. ~~The new owner shall pay a recordation and administrative fee AS~~

~~established by council resolution. Faxed and reproduced signatures shall not be accepted by the Town. The original deed from the seller must be surrendered to the Town Clerk prior to a new deed transferring ownership is prepared, recorded and issued to buyer.~~

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The Code of Wickenburg, Chapter 18 Municipal Cemetery, Article 18-1 Municipal Cemetery, is amended by amending Section 18-1-11 Ownership of Cemetery Plot, Subsections B and E to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

Section 18-1-11

Ownership of Cemetery Plot

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B. Upon full payment FOR A CERTIFICATE OF RIGHT OF INTERMENT FOR of a cemetery plot, a receipt and ~~unrecorded copy of a deed~~ will be provided by the Town Clerk's Office to the buyer. ~~Within approximately six (6) to eight (8) weeks, a recorded deed for each plot purchased shall be mailed to the owner of record.~~ Every plot shall be subject to this Article and all ~~appropriate~~ State Statutes governing municipal cemeteries. No statement of any agent or employee of the Town, any individuals or funeral home personnel contrary thereto shall be binding to the Town.

C. ~~No transfer fee is required when an~~ IF ownership transfer is due to the death of one of the plot owners, ~~the~~ remaining plot owner shall be responsible for providing the proper documentation to the Town Clerk's Office reflecting the plot was legally given to same. Transfers or bequeaths are only allowed on plots that are unoccupied and a recordation and administrative fee shall be paid to the Town to complete the transfer in an amount established by council resolution.

* * *

E. If a ~~cemetery plot owner~~ PERSON feels a plot(s) is his/her property, HE/SHE must provide the Cemetery Director ~~or his/her designee~~ with a recorded cemetery deed EVIDENCING SUCH OWNERSHIP PRIOR TO MARCH 18, 2016 naming ~~them~~ SUCH PERSON AS OWNER. SUCH EVIDENCE MAY INCLUDE ~~or, at minimum,~~ a Town issued and dated receipt stating same. This must be provided in advance of any burial.

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The Code of Wickenburg, Chapter 18 Municipal Cemetery, Article 18-1 Municipal Cemetery, is amended by amending Section 18-1-12 Additional Regulations, Subsection G to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

Section 18-1-12**Additional Regulations**

* * *

G. Urns with human remain ashes shall be buried, at minimum, three feet (3') deep in the designated gravesite. ~~Up to six (6) inurnments are allowed in one (1) standard sized plot.~~ UP TO SIX (6) URNS SHALL BE ALLOWED TO BE INTERRED IN ONE (1) PLOT FOR CERTIFICATES OF INTERMENT RIGHTS ISSUED PRIOR TO MARCH 18, 2016 AND, ON OR AFTER MARCH 18, 2016, UP TO FOUR (4) URNS SHALL BE ALLOWED IN ONE GRAVESITE.

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The Code of Wickenburg, Chapter 18 Municipal Cemetery, Article 18-1 Municipal Cemetery, is amended by amending Section 18-1-13 Headstone and Bench Placement Rules and Regulations, Paragraphs 1, 2, 3 and 4 to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

Section 18-1-13**Headstone and Bench Placement Rules and Regulations**

1. All persons planning to set a headstone will work with the Cemetery Director, ~~his/her designee~~ or Funeral Director for proper placement and alignment. If the headstone is set improperly, as determined by the Cemetery DIRECTOR or Funeral Director, it will be removed and the individual that set the stone will be required to reset the headstone at no cost to the Town or Funeral Home. FUNERAL DIRECTOR SHALL NOTIFY THE TOWN WHEN SCHEDULING THE PLACING OF A HEADSTONE.

2. All headstones ~~will be constructed and installed according to industry standards.~~ SHALL COMPLY WITH SECTION 18-1-8 PLOT MARKERS AND LANDSCAPING.

3. One (1) headstone will be placed at the head of each grave site and centered. Headstones, whenever possible, will be placed in a straight line with the headstones to the left and right of the grave. This shall be up to the discretion of the Funeral Directors and/or Cemetery Director or his/her designee.

4. Placement of Headstones and Benches/Ornamental Structures:

A. Single Remains Grave Headstones: under no condition shall the headstone be larger in width than the actual gravesite.

B. Double Grave Headstones: under no condition shall the headstone be larger in width than the two (2) actual gravesites.

C. One Gravesite/Multiple Buried Remains: when one (1) gravesite is used for up to one (1) casket or ~~six (6)~~ FOUR (4) urns or two (2) caskets double depth, ~~only one (1)~~ NOT MORE THAN THREE (3) headstoneS shall be used for all those buried in the single plot. It shall be the responsibility of the Funeral Director to make sure the

owner understands this and purchases a headstoneS, bench or ornamental structure that is large enough to list all names, dates and other pertinent information the owner wants on the one (1) headstoneS. ~~The Funeral Director and/or plot owner may request an exemption to this if it can be shown there are extenuating circumstances.~~

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Section II. Repeal of Conflicting Ordinance.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

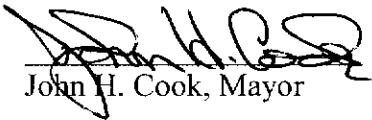
If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be subject to the violation and penalty provisions of Article 14-27 Of the Wickenburg Town Code.

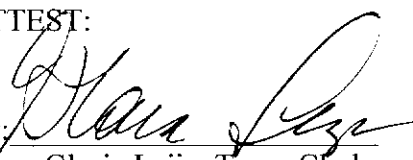
PASSED AND ADOPTED by the Town Council of the Town of Wickenburg, Arizona, this 16th day of February 2016.

By:


John H. Cook, Mayor

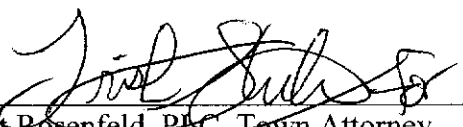
ATTEST:

By:


Gloria Leija, Town Clerk

APPROVED AS TO FORM:

By:


Gust Rosenfeld, PLC, Town Attorney

By: Susan Goodwin

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1161 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 16th day of February 2016, and that a quorum was present at the meeting.

A handwritten signature in black ink, appearing to read "Gloria Leija", written over a horizontal line.

Gloria Leija, Town Clerk