



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	05/05/2021	<b>Department</b>	Planning/Economic Dev
<b>Agenda Item</b>	4.h) First Read of Proposed Amendment to Codes Chapter 3 Section 1135 Addressing Cemetery Rules		
<b>Est. Cost</b>	n/a		

**Background Information**

This agenda item is the first read addressing the proposed amendments to Section 1135 City Code regarding Cemetery Rules.

The proposed amendments are being proposed:  
 Section 1135: Revise Section 1135 and add subsection 1135.1  
 Section 1135: Revise Section 1135 and adding new subsection 1135.2 Rules

A full copy of the proposed amendments is attached.

Planning Board Chair Debby Willis will be present to help facilitate the discussion.

<b>Requested Action</b>	" I move to approve the First Reading and to send the proposed amendment to Codes Chapter 3 Section 1135 addressing Cemetery Rules to a Second Reading."
<b>City Manager and/or Finance Review</b>	
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	EFFECTIVE DATE _____
	2 <sup>nd</sup> Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

To: City Council  
From: Ordinance Review Committee/Mark Eyerman  
Subject: Cemetery Rules  
Date: Updated April 30, 2021

As requested by the Council, the Ordinance Review Committee has developed a set of proposed rules for the use of the cemeteries owned/maintained by the City. The recommended rules are proposed to be inserted in Section 1135 of the Code of Ordinances. The rules focus on the use and maintenance of the cemeteries. In developing the proposed rules the committee reviewed the rules of a number of both public and private cemeteries in the area. In addition, the Committee relied on input from Rusty Greenleaf, a member of the committee, who is involved in cemetery management.

The Ordinance Review Committee recommends that if the rules are adopted by the City Council that they be posted in prominent locations in each of the cemeteries so that users have notice of them.

## Amendment to the Code of Ordinances Proposed Cemetery Rules

Proposed additions to the Code of Ordinances are underlined.

Amend Section 1135. City Cemeteries to read as follows:

### **Section 1135. City Cemeteries.**

**1135.1 Hours.** All city maintained cemeteries shall be closed to all persons and all vehicles except law enforcement officers and maintenance and emergency personnel and vehicles between the hours of 9:00 p.m. and 5:00 a.m. Violation of this section shall be punishable by a fine of not more than \$100 or imprisonment up to ten days.

### **1135.2 Rules.**

**1135.2.1. Applicability** – These rules apply to cemeteries owned and/or maintained by the City of Gardiner.

**1135.2.2. Purpose** – These rules are adopted by the City Council to assure that City owned/maintained cemeteries are attractive places that can be efficiently maintained.

**1135.2.3. Responsibility of the City** – The City of Gardiner is responsible for the overall upkeep of the cemeteries including maintaining the infrastructure, periodic mowing and cleanup. The City is not responsible for any work involving the maintenance of individual grave sites or monuments or markers. The City reserves the right to remove dead or unsightly plants or flowers or other ornaments on individual graves and to move or relocate planters or flower boxes that do not conform to these rules or that interfere with the normal maintenance of the cemetery. The City shall not be responsible for any grave decorations or other items that may be lost, misplaced, broken or stolen.

**1135.2.4. Seasonal Cleanup** – All flowers, potted plants and other ornamentation or decorations shall be removed from all graves in the spring not later than April 15<sup>th</sup> and in the fall no later than October 1<sup>st</sup> to facilitate the seasonal cleanup of the cemetery.

**1135.2.5. Grave Decorations** – The following limitations apply to grave sites. The City will remove any decorations that are not in compliance with these rules:

**1135.2.5.1.** Only memorial insignias, living plants and flowers, or silk flowers are permitted as grave decorations. Plastic plants and flowers are not permitted.

Eternal lights including solar lights are permitted for special occasions and may be used for a maximum of three (3) days.

1135.2.5.2. Seasonal flowers may be planted on the grave but must be located close to the monument and maintained by the owner or family.

1135.2.5.3. The planting of trees or shrubs is prohibited.

1135.2.5.4. Urns or flower boxes not more than three (3) feet in length may be placed close to the monument but may not be placed on other parts of the lot.

1135.2.5.5. Dead or damaged flowers or plants shall be removed from the grave by the owner or family in a timely manner.

1135.2.5.6. The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, fences, edging materials, shepherd's hooks, trellises, or similar items is not permitted.

1135.2.5.7. No concrete, plastic or wood edging is allowed around flower beds.

1135.2.5.8. White marble chips, granite chips, or other rock materials are not allowed in flower beds or on cemetery lots.

1135.2.6. Failure to Maintain a Grave Site – The City reserves the right to take steps to maintain a grave site if it is not adequately maintained including the following:

1135.2.6.1. Any grave marker in poor or dangerous condition may be either removed by the City or set flush with the ground.

1135.2.6.2. Any existing trees, shrubs, or bushes that become overgrown, unsightly or hazardous may be trimmed or removed by the City.