

RESOLUTION NO. 19-04

**RESOLUTION ADOPTING EVERGREEN CEMETERY RULES AND REGULATIONS**

WHEREAS, The City of Post Falls operates the Evergreen Cemetery for the use and benefit of the public as a place of burial and reflection; and

WHEREAS, The City has prepared updated rules and regulations governing Evergreen Cemetery to regulate activities in the cemetery; and

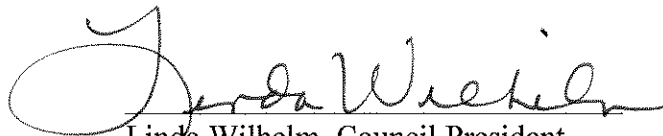
WHEREAS, The Mayor and City Council find it advisable to adopt the Evergreen Cemetery Rules and Regulations.

NOW THEREFORE, Be it resolved by the City Council of the City of Post Falls that the Evergreen Cemetery Rules and Regulations attached hereto as Exhibit "A" are adopted to regulate activities in Evergreen Cemetery.

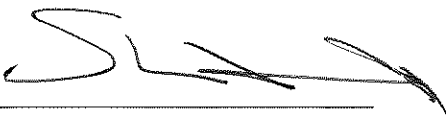
APPROVED by the City Council on this 4<sup>th</sup> day of June, 2019.



CITY OF POST FALLS

  
Linda Wilhelm, Council President

ATTEST:

  
Shannon Howard, City Clerk

EVERGREEN CEMETERY  
RULES AND REGULATIONS

These regulations adopted by the Post Falls city council on 6/4/15 regulate the use of the Evergreen Cemetery by the public. These regulations may be amended or superseded by new rules and regulations adopted by the city council. All lot purchasers and persons using the cemetery shall comply with these regulations and any amendments thereto or subsequent rules and regulations.

These rules and regulations are adopted for the purpose of providing an attractive and safe cemetery grounds and to maintain the integrity and beauty of the cemetery while allowing for the expression of respect, grief and loss for those that are interned therein.

All reference to the Parks and Recreation Director in these regulations shall include the director's designee.

**ARTICLE 1  
ORNAMENTATION & BEAUTIFICATION**

All decorations must be contained within the headstone collar; those that are not will be removed

1.1 Planting of flowers, trees and shrubs: Prior to planting flowers, trees or shrubs in the cemetery written permission must be obtained from the Parks and Recreation Director. The City has the right to deny any request for planting flowers, trees and shrubs.

1.2 Planting Vegetation: Planting of any vegetation in the cemetery without written permission from the Cemetery Sexton and city arborist is prohibited. Flowerbeds are not allowed in any part of the cemetery, except for those designated by the City for the benefit of the entire community. Objects used in planting, including but not limited to water cans, flower holders and garden utensils, are the responsibility of the owner to remove from the cemetery and may not be left on the cemetery grounds.

1.3 Removal of flowers, trees and shrubs: No person other than cemetery staff may remove or prune trees or shrubs within the cemetery grounds or remove or damage any other type of foliage on the cemetery grounds, whether the foliage is wild or cultivated.

1.4 Ornamentation: Planter boxes, toys, flags, pinwheels, balloon, shells, solar lights and/or decorations which are placed on or around graves or lots that are deemed by the City cemetery management to be hazardous or to create a maintenance problem will be subject to removal by City staff.

1.5 Prohibited Material: Glass of any kind is not allowed in the cemetery, including vases, ceramic statues, terracotta pots, and other breakable decorations.

1.6 Hanging Objects: Hanging objects from trees in the cemetery is prohibited.

1.7 Fences and Edging: No fence, railing, topping, brick edging or hedge may be placed beside or

around any burial space, except for sections designated by the City and sold as a family section. The fencing and edging for designated family sections must have prior approval of the park and recreation director before installation.

1.8 Architectural Structures: No vases, seats, benches, rock works or other architectural structures may be installed in the cemetery without the written permission of Parks and Recreation Director.

1.9 Cremation Lots: Approved vases only will be allowed in the cremations section of the cemetery. Vases must be of the type that can be returned to a flush position for mowing. Fresh and artificial flowers will be allowed only if they are in approved vases and must be removed when the flowers become wilted or become unsightly as determined by the Cemetery Sexton.

1.10 Shepherd Hooks and wrought iron arbors: Shepherd hooks must be mounted within the concrete collar of the marker and the curve of the hook must curve in and hang over the memorial. Wrought iron arbors must be contained within the memorial collar and still provide the required 6" mowing strip. No shepherd hooks or wrought iron arbors are allowed on cremation lots.

**1.11 Artificial Flowers:**

Artificial flowers or decorations may be placed on cemetery grounds during the months of March through October, subject to the following conditions:

- a. Memorial Day: The artificial flowers must be removed within seven (7) days after the official Memorial Day holiday.
- b. Exceptions:
  - 1. Artificial flowers may be placed on grave sites at the time of interment but must be removed within 14 days after the interment.
  - 2. Seasonal flowers may be placed during the holiday seasons, i.e. Thanksgiving, Christmas and Easter, but must be removed when they become unsightly or no longer match the season.
  - 3. Artificial flowers may be placed on grave sites on the anniversary of death or date of the person interred. The decorations must be removed within seven (7) days of the date of the anniversary.
- c. Any artificial flowers or decorations left in the cemetery may be removed at any time by cemetery staff when the flowers or decorations become unsightly or a maintenance problem as determined by the Cemetery Sexton.

1.12 Access: No objects may be placed in the cemetery that restrict access by others through the cemetery or interfere with the maintenance of the cemetery grounds or buildings.

1.13 Removal at Owner's Expense: Any item or vegetation placed in the cemetery that violates these regulations or obstructs the maintenance of the cemetery or detracts from the appearance of the cemetery grounds or buildings will be removed by the City at the owner's expense.

## ARTICLE 2 MEMORIALS & MONUMENTS

2.1 Vandalism and Theft: The City is not be responsible for vandalism or theft of memorials/monuments or any other items left in the cemetery.

2.2 Type of Memorial/Monument: Memorials may be either upright or flush with the ground in the earth burial sections of the cemetery. All memorials in the cremation and Veteran sections must be mounted flush to the ground. Flush memorials will be the only allowable marker in the cremation section, or an existing grave or for the burial of ashes on an existing grave. No memorials are allowed that are made of wood, concrete, plastic, porcelain, non-durable materials or are homemade. All memorials must be approved by Parks and Recreation Director.

2.3 Niche plates: No other nameplate will be allowed other than approved veterans and matching spouse plaque on the Veterans Memorial, the government standard bronze 8.5" x 5.5". All other niches shall be uniform in engraving and color.

2.4 Size of Memorial/Monument: All memorials/monuments must conform to the following size limitations: For the purpose of these regulations, the width shall be the dimension of the memorial as it is to be placed on the gravesite measured from one side of the grave to the other. Depth is the dimension of the memorial as it is to be placed on the grave measured from the top (head) of the grave site to the bottom, regardless of the orientation of the grave.

- a. The width of a single lot memorial, including the foundation, may not exceed forty-eight inches (48") including the 6" mowing strip.
- b. The depth of a memorial may not exceed forty-two inches (42") including the 6" mowing strip.
- c. Double lot memorials will be allowed on two adjacent lots if they do not exceed ninety-six inches (96") in width by forty-two inches (42") in depth for the base of an upright stone, including the mowing strip.
- d. The height of memorials may not exceed forty-eight inches (48") without prior approval from Parks and Recreation Director.
- e. The height of memorials in blocks 103, 106, and 107 may not exceed twenty-four inches (24").
- f. No garden paving or patio type block is allowed as an extension of the memorials' collar.
- g. Foundations made of concrete must have reinforcement within concrete and be a minimum of 4" in thickness. Both granite and concrete collars must extend a minimum of 6" on all sides of memorial (including vase or other décor). *See SD 3901 for specifications.*

2.5 Nonconforming Memorials: The City is not responsible for damage to any nonconforming memorials or decorations.

2.6 Memorial/Monuments Installation:

- a. All memorials and monuments must have a granite or concrete foundation
- b. No memorial/monument may be placed without prior approval of the Cemetery Sexton and confirmation of the exact plot location.
- c. All memorial/monuments must be set by the Post Falls cemetery staff or by a monument company approved by the City. No monument work is permitted in the cemetery on Sundays or holidays or after 3:30p.m., or the day before Memorial Day, unless prior appointment or approval has been granted by the Cemetery Sexton.
- d. All memorial foundations set by Post Falls cemetery personnel will be warrantied by the City after three (3) years from the date of installation.
- e. Memorials will be allowed at the head of the single grave or double lot. Foot markers must be placed flush with the ground at the opposite end of the grave as the memorial.
- f. Two cremation memorials will be allowed on an existing grave and must be mounted flush with the ground in line with existing head markers.

2.7 Removal/Moving of Memorials/Monuments:

- a. Memorials/Monuments already installed that impede the opening or closing of a grave will be moved by the cemetery staff at the expenses of the owner of the memorial or the surviving family members if the owner is deceased.
- b. Memorials/Monuments that become damaged or are a hazard to patrons of the cemetery or cemetery personnel may be either repaired or removed. The owner of the memorial or the owner's surviving family shall be responsible for the cost of the repair or removal if the work is performed by city personnel.
- c. Memorials/Monuments placed in violation of these regulations or which interfere must be removed. If a marker has to be removed by the City, the cost of the removal will be assessed against the company illegally placing the memorial or legal lot owner.

2.8 Temporary Markers:

- a. One temporary memorial may be placed on the grave site for a maximum of 1 year pending the installation of a permanent memorial/monument.
- b. The temporary memorial must be removed at the time the permanent marker/monument is installed.
- c. Temporary memorials will not be replaced or repaired by the City if damaged or destroyed by routine maintenance.

d. Temporary memorials must meet the cemetery or funeral industry standards and cannot be made of wood, concrete, plastic, porcelain, non-durable materials or are homemade. All temporary memorials must be inspected through Director of Parks

2.9 Cleaning and Repair: Maintenance and cleaning of a memorial/monument is the responsibility of the lot owner and not the responsibility of the City of Post Falls.

### **ARTICLE 3 INTERMENT/INURNMENT**

3.1 Vaults: For every interment the casket must be enclosed in concrete a box, concrete vault, steel vault, infant cement liner or infant casket/vault. Cremations must also be inurned in a container approved by the Cemetery Sexton.

3.2 Burial Permit: A proper burial permit or copy of the cremation permit is required to be provided to the Cemetery Sexton prior to burial or inurnment.

3.3 Urns: Urns must be approved by the parks and recreation director or designee prior to use in the cemetery and are to be made of a non-biodegradable material.

3.4 Notice: Two working days' notice must be given to the cemetery and confirmation received from the sexton for the opening and closing of a grave. Notice must be given during regular business hours of the City and may not be left on the answering machine or other electronic device.

3.5 Grave Opening: Grave openings and closings may only be done by employees or agents of the City.

3.6 Disinterment: No disinterment shall take place without presenting the proper permits as required by the state of Idaho and arrangements for the disinterment made with the cemetery at least one week prior to the disinterment.

a. If it is necessary to disinter cremated remains or adult remains prior to a full earth burial of a casketed body, grave liner or vault, or cremated remains, a fee will be charged by the City for that service.

b. Damage during Disinterment: The City will not assume any responsibility for damages to cremation containers or caskets during disinterment and reburial. The party requesting the disinterment shall accept the responsibility for any damages and any costs relating to those damages.

3.7 Multiple Burials:

a. Lawn-crypts are not allowed unless that area has been designated for that specific use by the City.

**Burial in a full-size lot is limited to:**

- b. One casketed burial and two inurnments that are place in cremation urns; or
- c. Three (3) cremated remains in approved urns.
- d. Double depth burial lots in designated areas are limited to; two (2) full burials; or 1 full burial and two cremations; or three (3) cremations

**Double depth burial in a full-size lot is limited to:**

- e. Blocks 100 – 119 provided double depth fee is paid.
- f. Deeded owner of lot in these sections may up-grade to a double depth lot provide they are un-occupied and a fee of ½ of the current lot list price is paid.

**Burial in a half size lot or niche is limited to:**

- g. Two inurnments will be allowed on a cremation lot, but only one flush mounted marker is allowed on these lots.
- h. Two inurnments will be allowed in the above ground niche units if they meet cemetery requirements and both urns fit within a single niche space

3.8 Scattering Cremated Remains: The scattering of cremated remains is not allowed on cemetery grounds except in designated areas/ossuaries and under the supervision of Post Falls Parks and Recreation Director upon payment of the appropriate fee. Scattered remains or remains placed in an ossuary are not retrievable.

**ARTICLE 4  
CONDUCT IN THE CEMETERY**

4.1 Fireworks: Fireworks are not allowed on or within the cemetery grounds.

4.2 Animals:

- a. No person shall hunt or disturb any animal life on cemetery grounds. This prohibition shall not apply to wildlife management personnel or animal control officers while performing their official duties.
- b. Pets are not allowed on cemetery grounds.
- c. Service Animals are allowed.

4.3 Alcohol/Drugs: Possession or use of alcoholic beverages or illegal drugs is prohibited on the cemetery grounds.

4.4 Boisterous Behavior: Boisterous behavior or activities are not allowed on the cemetery grounds.

4.5 Vandalism: Vandalism is prohibited on the cemetery grounds, including but not limited to, defacing any wall, marker or memorial or activity that changes the cemetery grounds in any way.

**ARTICLE 5  
RULES ENFORCEMENT**

5.1 Authority: The Parks and Recreation Director or their designee has the authority to enforce these regulations and to remove any property in the cemetery in violation of these regulations or to exclude from the ground any person violating these rules.

5.2 Non-exclusive: The enforcement authority set forth in these regulations is not exclusive and the City may enforce these regulations in any other lawful manner.

**ARTICLE 6  
CORRECTION OF ERRORS**

6.1 The City reserves the right to correct any errors made by its employees, including those relating to the marking of the location or boundaries of a burial site.

**THESE REGULATIONS ARE SUBJECT TO CHANGE.**

It is the responsibility of the lot owners to know the rules and regulations. It would be prudent for any person to contact the Evergreen Cemetery Sexton or the Post Falls Park and Recreation Department before any augmentation of a burial site is considered.