

CITY OF LANGLEY

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, Amending Langley Municipal Code chapter 2.52 and portions of Ordinance Nos. 523, 716 and 802 regarding the Cemetery Board.

WHEREAS, the City Council has considered the proposed amendments and finds such changes are intended to and will benefit the City’s Cemetery and the public if adopted as set forth below in Section 1 of this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY WASHINGTON, DO ORDAIN as follows:

Section 1. Langley Municipal Code Chapter 2.52 and portions of Ordinance Nos. 523, 716 and 802 are hereby amended to read as follows:

Sections:

- 2.52.010 Cemetery board-Created.**
- 2.52.014 Cemetery board - Purpose**
- 2.52.020 Cemetery board-~~Chairman~~ Members.**
- 2.52.030 Cemetery board-Meetings.**
- 2.52.040 Cemetery fund.**
- 2.52.050 Cemetery improvement fund.**
- 2.52.060 Subdivision of cemetery.**
- 2.52.065 Donation/transfer of lots or plots.**
- 2.52.070 Price schedule.**
- 2.52.080 Grave space restrictions,**
- 2.52.090 Monument restrictions.**
- 2.52.100 Landscaping.**
- 2.52.110 Burials.**
- 2.52.120 Use of Ash Scatter Garden.**

2.52.010 Cemetery board-Created.

~~The City of Langley hereby creates a Cemetery Board. There is created a cemetery board consisting of no less than three or more than seven members who shall be appointed by the mayor and such appointments shall be confirmed by the city council. The board members shall serve for three years from the date of their appointment. These terms shall be staggered so that no more than two positions need be filled in any one year. Therefore, the initial terms shall be for a one-year, two year and a three year period, and all terms thereafter shall be for three years. The mayor, upon confirmation of the city council, may extend a three year term to an additional term. Any such member of the cemetery board may be removed at any time by the mayor by and with confirmation of the city council and subject to the rules and regulations as may be prescribed by the city council. (Ord. 523, 1988)(Ord. 802, 2002)~~

2.52.014 Cemetery board – Purpose.

~~The cemetery board is advisory to the council and shall make recommendations to the council regarding the operating, maintaining, improving and funding of the Langley-Woodmen Cemetery.~~

2.52.020 Cemetery board-~~Chairman~~ Members.

(1) Number of Members. The board shall consist of no less than three (3) or more than seven (7) voting members. There is created the office of chairman of the cemetery board who shall be appointed by the mayor, upon nomination and recommendation of the cemetery board. The chairman shall be one of the members of the cemetery board and the appointment will be confirmed by the city council. (Ord. 523, 1988)

(2) Residency. Two (2) members of the board must reside within the City of Langley. Five (5) members may reside outside of the city limits, so long as they have demonstrated an interest in the Langley-Woodmen Cemetery. This exception to a majority residency requirement is allowed due to the broad interest and patronage of the cemetery.

2.52.030 Cemetery board-Meetings.

(1)A. Meeting Schedule. The cemetery board shall meet regularly on at least a ~~each~~ monthly basis and shall adopt and publish policies regarding the time, place, and frequency of meetings. ~~or at such other times as they determine necessary.~~ (Ord. 716, 1996) If there is no business to conduct a meeting, cancellation notice shall be posted in the same manner as all meeting notices. Special meetings must be provided in accord with the Washington State Open Public Meetings Act.

~~B. All meetings of the cemetery board shall be posted and/or published in advance. (Ord. 716, 1996)~~

2.52.040 Cemetery fund.

There is created a fund to be known as the "cemetery fund" into which shall be deposited all funds received from sale of graves, taxation or other sources of income for cemetery property or bequests, less such amounts as may be set aside as a permanent cemetery endowment fund for the maintenance, upkeep and improvement of the cemetery property and care of blocks, lots and graves occupied for burial purposes. (Ord. 523, 1988) (Ord. 738, 1997)

2.52.050 Cemetery endowment fund.

Forty-seven and one half (47.5%) percent of the proceeds received from the sale of graves for burial purposes shall be set aside into a permanent fund to be known as the "cemetery endowment fund." Forty percent (40%) of the fee for Scatter Garden rights with stone memorialization space shall be deposited in the endowment fund. This fund is to be kept perpetually invested in safe, interest-bearing securities. The interest only received from the investment of the fund shall be used in the care and upkeep of the cemetery. This fund shall be perpetual, and shall be used for no other purpose than those approved by resolution of the city council. This purpose shall be limited to cemetery improvement which should include, but not be limited to, the acquisition of additional land for cemetery use. (Ord. 523, 1988) (Ord. 738, 1997)(Ord. 792, 2000) (Ord. 855, 2005)(Ord. 888, 2007)

2.52.060 Subdivision of cemetery.

The city may plat, replace or subdivide its cemetery property into such blocks, lots, graves, paths and driveways as it may deem necessary or convenient and may in its discretion cause such plats, re-plats or subdivisions to be filed or recorded in the office of the county auditor and county assessor. (Ord. 523, 1988)

2.52.065 Donation/transfer of lots or plots.

A. Donations. Any person desiring to donate cemetery lots or plots to the city may do so through the process outlined in RCW 35.21.100. No terms or conditions may be attached to such donations, and the city retains the right to expend or use the donated lots and plots for any municipal purposes. The value of the donation shall be stated at the current rate of cemetery lots

or plots in the city's cemetery. All such donations shall be recorded by way of a city ordinance.

B. Gifts to the City or to Other Parties. Any person desiring to present cemetery lots or plots to the city as a gift will follow procedures outlined in subsection A of this section. Any person desiring to present cemetery lots or plots to another party as a gift must present to the city a notarized transfer of deed which form shall be supplied by the city, along with a ten-dollar transfer fee and relinquishment of their present deed.

C. Reselling Cemetery Lots and Plots. Any person desiring to sell any cemetery grave site in the city cemetery may do so by submitting a written request to the cemetery board through the clerk/treasurer's office.

1. Upon recommendation from the cemetery board, the city council will determine if funds are available from cemetery funds to repurchase grave sites at the city's current rate minus the endowment set-aside and minus twenty-five percent administrative fee.

2. If the city council determines that such funds are available, the council shall then determine whether to repurchase such grave sites.

3. If city funds are not available, or if the city council determines not to repurchase such lots, the city council may grant the owner of grave sites the option to sell the sites at the owner's expense and discretion. If grave sites are sold by the owner, a notarized transfer of grave sites, along with a transfer fee as set by resolution of the City Council must be filed with the city clerk/treasurer. Approved transfer forms are available from the clerk/treasurer's office upon request.

D. All other reselling, donation or gifts of cemetery lots or plots are prohibited. (Ord. 556, 1990; Ord. 545, 1989) (Ord. 738, 1997)

2.52.070 Price schedule.

A schedule of prices of all graves, scattering rights and memorial stone space in the cemetery property shall be fixed in the office of the city clerk/treasurer. The schedule of price may be changed or altered by resolution. No grave space shall be sold by the city for less than the price named in such schedule which is in force at the time of sale; provided, the city council may, by resolution, allow burials of individuals who at the time of death lived within the corporate limits of the city, dying either without estate or whose immediate family has no means of defraying the costs of a burial site, at no cost when applied for to the clerk/treasurer's office and approved by the mayor. (Ord. 523, 1988) (Ord. 888, 2007)

2.52.080 Grave space restrictions.

A. All purchases of lots and grave spaces, Scatter Garden and Memorial Stone space in the Langley Woodman Cemetery shall be restricted for use by the owner, his or her heirs, executors, administrators or assigns. Sale of such lots or graves to another party by the owner, his or her heirs, executors, administrators or assigns shall be governed by all rules and regulations now or hereafter imposed by the city, for the management and regulation of the cemetery.

B. Cemetery grave lots or spaces shall only be used for internment by either casket or urn. If internment is by casket, only one (1) casket shall be allowed for every four foot by eight foot grave space or lot. If internment is by urn, a maximum of four (4) urns on any four foot by eight foot grave space or lot may be used.

C. Each urn used shall be recorded with the City and shall have a proper deed for the grave space or lot.

D. Each grave space or lot shall be used for internment by either casket or urn. Mixed usage of caskets and urns is permitted with one casket and one urn per grave space or lot. The casket burial must precede the urn burial.

E. Curbing of grave spaces or lots shall not be permitted. (Ord. 596, 1991; Ord. 523, 1988; Ord. 719, 1996) (Ord. 888, 2007)

2.52.090 Monument restrictions.

Grave markers, monuments and curbing shall be in conformity with the policy set by the cemetery board. (Ord. 523, 1988)

2.52.100 Landscaping.

Planting of flowers, shrubs and trees or placement of artificial flowers shall be in conformity with the policy set by the cemetery board. Any flowers, shrubs or trees other than approved will be disposed of by the city. (Ord. 523, 1988)

2.52.110 Burials.

A. All burials in the cemetery shall meet all state and federal requirements.

B. Burials shall not be conducted without a proper deed being produced or written confirmation by the city clerk/treasurer's office that a deed has been issued. (Ord. 523, 1988)

2.52.120 Use of Ash Scattering Garden.

A. Scattering of ashes is allowed in the designated ash garden area upon payment of the required fee. The City's fee schedule shall designate the fees for the right to scatter ashes with or without reserved space for a bronze plaque on the Scatter Garden's memorial stones. All plaques must be 5" x 7" inches and installation and placement on the stones must be done by a City approved installer only. The City of Langley does not furnish plaques.

B. Certificate of Reservation. As evidence of eligibility and pre-payment of necessary fees, a prospective user shall be furnished a Certificate of Reservation giving the named user the right to scatter ashes, and/or reserved plaque space on the Memorial Stones.

C. Scattering of ashes in the Garden shall be in conformity with the policy established by the cemetery board. (Ord. 888, 2007)

Section 2. Severability. If any section, paragraph, subsection, clause or phrase of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days after publication and posting of an approved summary thereof, consisting of the title.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON,
and approved by the Mayor at a regular meeting held this ____ day of _____, 2008.

PAUL O. SAMUELSON, Mayor

ATTEST:

DEBBIE L. MAHLER, Clerk-Treasurer

APPROVED AS TO FORM:

PUBLISHED: South Whidbey Record - _____
Ordinance No. ____

GRANT K. WEED, City Attorney