

CHAPTER 452 - CEMETERIES

CEMETERIES FOR HUMANS

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CEMETERIES FOR HUMANS

General Provisions

NRS452.001 Applicability of provisions. The provisions of NRS 452.001 to 452.610, inclusive: Except 1. NRS 452.002, 452.030 and 452.300, do not apply to a person maintaining a cemetery but not operating as a cemetery authority on July 5, 1971. 2. Do not apply to cemeteries containing the remains of pets only. (Added to NRS by 1971, 2077; A 1987, 1270; 1993, 2754; 2003, 326)

NRS452.002 Adverse use by public presumptive evidence of dedication as public cemetery. The uninterrupted use by the public of land for a burial ground for 5 years, with the consent of the owner and without a reservation of his or her rights, is presumptive evidence of his or her intention to dedicate it to the public for that purpose. (Added to NRS by 1971, 808)

NRS452.003 Definitions. As used in NRS 452.001 to 452.610, inclusive, unless the context otherwise requires, the words and terms defined in NRS 452.004 to 452.019, inclusive, have the meanings ascribed to them in those sections. (Added to NRS by 1971, 2061; A 1987, 1270; 1993, 2607, 2754; 1995, 723; 2005, 500; 2013, 3061)

NRS452.004 "Administrator" defined. "Administrator" means the Commissioner of Insurance. (Added to NRS by 1971, 2061)

NRS452.0055 "Board" defined. "Board" means the Nevada Funeral and Cemetery Services Board. (Added to NRS by 1993, 2607; A 2003, 1280)

NRS452.007 "Buyer" defined. "Buyer" means the purchaser of a prepaid contract, as that term is defined in NRS 689.475. (Added to NRS by 1971, 2062; A 1987, 1270)

NRS452.0075 "Cemetery" defined. "Cemetery" means any enclosure or plot of land that is or may be used for the burial of the dead and includes an individual plot. (Added to NRS by 2005, 499)

NRS452.008 "Cemetery authority" defined. "Cemetery authority" means any individual, partnership, corporation, association or cemetery district owning or controlling cemetery lands or property and engaged in the operation of a cemetery business in this state.

(Added to NRS by 1971, 2062)

NRS452.0085 "Division" defined. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.
(Added to NRS by 2013, 3061)

NRS452.018 "Sales commission" defined. "Sales commission" means that portion of the purchase price paid to or retained by the seller as compensation in connection with the sale of a prepaid contract.
(Added to NRS by 1971, 2062)

NRS452.019 "Seller" defined. "Seller" means any person selling a prepaid contract.
(Added to NRS by 1971, 2062)

NRS452.025 Regulations of Administrator. The Administrator may adopt such regulations as may be necessary to carry out the purposes and provisions of NRS 452.001 to 452.610, inclusive, which relate to endowment care.
(Added to NRS by 1971, 2065; A 1993, 2608, 2754; 1995, 723) — (Substituted in revision for NRS 452.400)

NRS452.026 Regulations of Board. The Board may adopt reasonable regulations, suitably designed to protect the public, for those aspects of the operation of a cemetery which are not governed by the regulations of the Commissioner of Insurance pertaining to endowment care.
(Added to NRS by 1993, 2607)

NRS452.027 Cooperation and exchange of information between Administrator and Board. The Administrator and the Board shall cooperate in the performance of their respective duties pursuant to this chapter and shall exchange any information, statistics or data in their records that is necessary to carry out those duties.
(Added to NRS by 1993, 2607)

Maintenance and Endowment Care of Cemetery

NRS452.030 Owner to keep cemetery in orderly condition; authority of board of county commissioners. Every owner of a cemetery shall keep the same in an orderly condition, and authority is conferred on the board of county commissioners of each county to make such rules as will carry out the intent of this section.
[3:166:1913; 1919 RL p. 2644; NCL § 977]

NRS452.050 Authority to provide endowment care; permit from Administrator; exempt cemeteries; handling of funds.
Every cemetery authority operating a cemetery which is not exempt pursuant to subsection 2 shall place its cemetery under endowment care and establish, maintain and operate an endowment care fund after having first applied for and received a permit from the Administrator. 1.
A cemetery is exempt from the provisions of subsection 1 if: 2.
It was maintained as a cemetery on July 1, 1971; or (a)
It is owned and operated by a governmental agency, church or benevolent or fraternal organization not operated for profit. (b)
Nothing contained in this subsection shall prohibit any cemetery authority from electing to come under the provisions of subsection 1.
Endowment care and special care funds may be commingled for investment and the income therefrom shall be divided between the endowment care and special care funds in the proportion that each fund contributed to the principal sum invested. The funds shall be held in the name of the cemetery authority. 3.
[1:138:1953] — (NRS A 1961, 116; 1971, 2073)

NRS452.060 Investment of principal of funds; Disposition of income; separate records for funds required; creation of reserve to replace loss of principal.
The principal of all funds for endowment care shall be invested and the income only used for the care, maintenance and embellishment of the cemetery, in accordance with the provisions of law and the resolutions, bylaws, rules and regulations or other actions or instruments of the cemetery authority, and for no other purpose. Endowment and special care funds shall be maintained separate and distinct from all other funds and the trustees shall keep separate records thereof. 1.
The trustee of the endowment care fund shall create a reserve from which principal losses may be replaced by setting aside a reasonable percentage of the income from the fund. 2.1 losses may be replaced
[2:138:1953]

NRS452.070 Authority may collect fee from purchaser of plot for maintenance of cemetery. The cemetery authority may from time to time adopt plans for the general care, maintenance and embellishment of its

cemetery, and charge and collect from all subsequent purchasers of plots such reasonable sum as, in the judgment of the cemetery authority, will aggregate a fund, the reasonable income from which will provide care, maintenance and embellishment.
[3:138:1953]

NRS452.080 Agreement for endowment care. Upon payment of the purchase price and the amount fixed as a proportionate contribution for endowment care, there may be included in the deed of conveyance or by separate instrument an agreement to use the income from such endowment care fund for the care, maintenance and embellishment, in accordance with the plan adopted, of the cemetery and its appurtenances to the proportionate extent the income received by the cemetery authority from the contribution will permit.
[4:138:1953]

NRS452.090 Agreement concerning maintenance of plot. Upon the application of an owner of any plot, and upon the payment by the owner of the amount fixed as a reasonable and proportionate contribution for endowment care a cemetery authority may enter into an agreement with the owner to use the income from such fund for the care of his or her plot and its appurtenances.
[5:138:1953]

NRS452.100 Trustees of endowment care fund: Appointment; right of director to serve; limitation on compensation; appointment of bank or trust company as sole trustee.
The cemetery authority may appoint a board of trustees of not less than three in number as trustees of its endowment care fund. The members of the board of trustees shall hold office subject to the direction of the cemetery authority.

1.
The directors of a cemetery authority, if any, may be the trustee of its endowment care fund. When the fund is in the care of the directors as a board of trustees, the secretary of the cemetery authority shall act as its secretary and keep a true record of all of its proceedings.
 2.
No sum in excess of 5 percent of the income derived from the fund in any year shall be paid as compensation to the board of trustees for its services as trustee.
 3.
In lieu of the appointment of a board of trustees of its endowment care fund, any cemetery authority may appoint as sole trustee of its endowment care fund any bank or trust company qualified under the laws of the State of Nevada to engage in the trust business.
 - 4.
- [6:138:1953]

NRS452.110 Bequests to fund; fund and contributions for charitable purposes; gifts not invalidated by uncertainty of beneficiaries; fund not subject to rule against perpetuities.
A cemetery authority which has established an endowment care fund may take, receive and hold as a part of or incident to the fund any property, real, personal or mixed, bequeathed, devised, granted, given or otherwise contributed to it for its endowment care fund.

1.
The endowment care fund and all payments or contributions to it are hereby expressly permitted as and for charitable and eleemosynary purposes. Endowment care is a provision for the discharge of a duty due from the persons contributing to the persons interred and to be interred in the cemetery, and a provision for the benefit and protection of the public by preserving and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated.
2.
No payment, gift, grant, bequest or other contribution for general endowment care is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.
- 3.

[7:138:1953]

NRS452.120 "Endowment care cemetery" defined; requirements for deposit.
An "endowment care cemetery" is one which must have deposited in its endowment care fund no later than 30 days following the end of the month in which the final payment is received for the sale of a grave, lawn crypt space, niche or mausoleum crypt not less than the following amounts for interment spaces and memorial markers and monuments sold or disposed of:

1.
 - (a) Five dollars per square foot for each grave space.
 - (b) Five dollars per square foot for each lawn crypt space.
 - (c) Forty dollars for each single niche in a columbarium or mausoleum.
 - (d) One hundred twenty-five dollars for each single adult mausoleum crypt.
 - (e) One hundred twenty-five dollars for the first adult crypt of a tandem companion mausoleum crypt.
 - (f) One hundred dollars for each additional crypt of a tandem companion mausoleum crypt.
 - (g) Sixty dollars for each mausoleum crypt which is less than one-half the size of an adult crypt as measured in cubic feet.
 - (h) A sum equal to 20 percent of the cost of each privately built mausoleum crypt.

- Ten dollars per square foot for each lawn space niche. (i)
Twelve cents per square inch of top surface face for each memorial marker and for each foundation for an upright monument. (j)
Twelve cents per square inch of top surface face for each memorial lawn niche marker. (k)
The deposits required by subsection 1 must be made not later than 30 days after the end of the month in which the final payment for any grave, lawn crypt space, niche or crypt is made. 2.
[8:138:1953] — (NRS A 1971, 2073; 1989, 1088)

NRS452.130 Additional deposit required before disposition of plot.

- In addition to the requirements of 1. NRS 452.120, any endowment care cemetery hereafter established shall also have deposited in its endowment care fund or maintenance fund the additional sum of \$25,000 or have deposited such sum in a maintenance fund as required by NRS 452.120 before disposing or making a sale of any space specified in NRS 452.120.
When the endowment care fund or maintenance fund has \$75,000 on deposit, the initial \$25,000 may be withdrawn. 2.
The endowment care fund or maintenance fund once having reached \$50,000 shall not be decreased below such amount. 3.
[9:138:1953] — (NRS A 1971, 2073)

NRS452.140 "Nonendowment care cemetery" defined; endowment care cemetery may contain area without endowment care; requirements.

- A "nonendowment care cemetery" is one that does not comply with the provisions of 1. NRS 452.120 and 452.130.
A cemetery which otherwise complies with 2. NRS 452.120 may be designated an endowment care cemetery even though it contains a small section which may be sold without endowment care, if the section is separately set off from the remainder of the cemetery and if signs are kept prominently placed around the section designating the same as a "Nonendowment care section" in legible black lettering at least 4 inches high. There shall be printed at the head of all contracts, agreements, statements, receipts and certificates of ownership or deeds referring to plots in the section the phrase "Nonendowment care."
Subsection 2 applies only to cemeteries existing on July 1, 1971. 3.
[10:138:1953] — (NRS A 1971, 2074)

NRS452.150 Requirements for endowment or nonendowment care cemetery: Posting of signs; heading and contents; notice of nonendowment care on contracts and publications; revision and verification of signs and report.

- Each endowment care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign which shall contain the following information in the order and manner set forth below: 1.
A heading containing the words "Endowment care," which shall appear in a minimum of 48-point black type. (a)
This is an endowment care interment property. (b)
Each nonendowment care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign which shall contain the following information in the order and manner set forth below: 2.
A heading containing the words "Nonendowment care." (a)
This is a nonendowment care interment property. (b)
There shall be printed at the head of all contracts, agreements, statements, receipts, literature and other publications of nonendowment care cemeteries the following: "This institution is operated as a 'nonendowment care' interment property." 3.
All the information appearing on the signs and report filed in the cemetery office shall be revised annually and verified by the president and secretary, or two officers authorized by the cemetery authority. 4.
[11:138:1953]

NRS452.160 Use of funds; authorized investments; annual financial statements.

- Endowment care funds must not be used for any purpose other than to provide, through income only, for the reserves authorized by law and for the endowment care of the cemetery in accordance with the resolutions, bylaws, rules and regulations or other actions or instruments of the cemetery authority. 1.
The funds must be invested and reinvested in: 2.
Bonds of the United States; (a)
Bonds of this state or the bonds of other states; (b)
Bonds of counties or municipalities of any state; (c)

With the approval of the Administrator, first mortgages or first trust deeds on improved real estate; (d)
Deposits in any bank, credit union or savings and loan association that is federally insured or insured by a private insurer approved pursuant to (e) NRS 678.755; or
With the written approval of the Administrator, any investment which would be proper under the provisions of NRS 164.700 to 164.775, inclusive. (f)

→ Pending investment as provided in this subsection, such funds may be deposited in an account in any savings bank, credit union or savings and loan association which is qualified to do business in the State of Nevada and which is federally insured or insured by a private insurer approved pursuant to NRS 678.755.
Each cemetery authority operating an endowment care cemetery shall submit to the Administrator annually, on a form prescribed and adopted by the Administrator, a financial statement of the condition of its endowment care fund. The statement must be accompanied by a fee of \$10. If the statement is not received by the Administrator, he or she may, after giving 10 days' notice, revoke the cemetery authority's certificate of authority. 3.
[12:138:1953] — (NRS A 1960, 337; 1971, 2074; 1983, 139; 1987, 1270; 1999, 1498; 2003, 1982)

NRS452.170 Endowment care fund: Acceptance of gifts; uses; contributions for charitable purposes; gifts not invalidated by uncertainty of beneficiaries; rule against perpetuities inapplicable.

A cemetery authority which has established an endowment care fund may also take and hold any property bequeathed, granted, or given to it in trust to apply the principal, or proceeds, or income to either or all of the following purposes: 1.

Improvement or embellishment of all or any part of the cemetery or any lot in it. (a)
Erection, renewal, repair or preservation of any monument, fence, building, or other structure in the cemetery. (b)

Planting or cultivation of trees, shrubs or plants in or around any part of the cemetery. (c)
Special care or ornamenting of any part of any plot, section or building in the cemetery. (d)

Any purpose or use not inconsistent with the purpose for which the cemetery was established or is maintained. (e)

The sums paid in or contributed to the fund authorized by this section are hereby expressly permitted as and for a charitable and eleemosynary purpose. Such contributions are a provision for the discharge of a duty due from the persons contributing to the person or persons interred or to be interred in the cemetery, and likewise a provision for the benefit and protection of the public by preserving, beautifying, and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated. No payment, gift, grant, bequest, or other contribution for such purpose is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the fund, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property. 2.
[13:138:1953]

NRS452.180 Misrepresentations concerning endowment care fund; penalties; investigation by Administrator; applicability.

It is unlawful for a cemetery authority, its officers, employees or agents, or a seller or agent certified or licensed pursuant to 1. NRS 689.450 to 689.595, inclusive, to represent that an endowment care fund or any other fund set up for maintaining care is perpetual or permanent, or to sell, offer for sale or advertise any plot under representation that the plot is under endowment care, before an endowment care fund has been established for the cemetery in which the plot is situated. Any person violating any of the provisions of NRS 452.050 to 452.180, inclusive, is personally liable for all damages resulting to any person by reason of such violation, and upon conviction thereof is guilty of a misdemeanor.

The Administrator, for the purpose of ascertaining the assets, conditions and affairs of any endowment care cemetery, may examine the books, records, documents and assets of any endowment care cemetery operating, or being organized to operate as such a cemetery, in the State of Nevada, and may make whatever other investigations as may be necessary to determine that the cemetery is complying fully with the provisions of 2. NRS 452.050 to 452.180, inclusive.

If, after an examination or investigation, the Administrator has just cause to believe that a cemetery granted a permit under the provisions of 3. NRS 452.050 to 452.180, inclusive, has failed to comply with the provisions and requirements of NRS 452.050 to 452.180, inclusive, and any regulations adopted thereunder, the Administrator may, after due notice and hearing, if the Administrator finds that the cemetery authority has violated those requirements or regulations, revoke or refuse to renew the permit of that cemetery authority and refer the violation to the Attorney General to determine if further action should be taken under subsection 1.

The provisions of 4. NRS 679B.230 to 679B.300, inclusive, apply to any examination conducted under this section. Unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "cemetery authority" or the person being examined.
[14:138:1953; A 1955, 290] — (NRS A 1961, 117; 1967, 583; 1971, 2074; 1987, 1270)

NRS452.200 Liability and penalty for unauthorized use or investment of funds. Any member of a board of trustees or any officer or director of a corporation or association violating any of the provisions of NRS 452.160 shall be personally liable therefor, and shall upon conviction thereof be guilty of a misdemeanor. [2:40:1931; 1931 NCL § 981.01] — (NRS A 1967, 583; 1971, 2075)

Mausoleums, Vaults and Crypts

NRS452.210 Construction of mausoleum, vault or crypt: Adoption and enforcement of regulations of State Board of Health; approval of plans and specifications.

A person shall not build, construct or erect any mausoleum, vault, crypt or structure intended to hold or contain dead human bodies, which shall be wholly or partially above the surface of the ground, except in compliance with the regulations of the State Board of Health governing their location, materials and construction. The State Board of Health may adopt and, except as provided in subsection 2, the Division shall enforce such regulations. 1.

An incorporated city or a county which: 2.

Has a building or public works department; and (a)

Has adopted a nationally recognized building code, entirely or with variations, (b)

→ shall enforce within its respective city limits or unincorporated areas any regulations pertaining to the construction of mausoleums, vaults, crypts or other similar structures, as adopted by the State Board of Health under subsection 1, and shall exercise such enforcement, including supervisory control, instead of the Division and any district board of health.

Before commencing the building, construction or erection of a mausoleum, vault, crypt or other similar structure, full detailed plans and specifications of the structure shall be presented to the Division for its examination and approval. The approval of the plans and specifications of the structure shall be evidenced by a certificate in writing signed by the Chief Medical Officer. 3.

[1:21:1931; 1931 NCL § 4085] — (NRS A 1963, 964; 1971, 2075; 1977, 167)

NRS452.220 Requirements for construction of crypt or catacomb. All crypts or catacombs placed in a mausoleum, vault or other burial structure, as described in NRS 452.210, shall be so constructed that all parts thereof may be readily examined by the Division, or any other health officer, and such crypts or catacombs, when used for the permanent interment of a deceased body or bodies, shall be so hermetically sealed that no offensive odor or effluvia may escape therefrom.

[2:21:1931; 1931 NCL § 4085.01] — (NRS A 1963, 964)

NRS452.230 Supervision of construction: Inspector; final certificate.

Except as provided in subsection 2 of 1. NRS 452.210, the Division shall have supervisory control over the construction of any mausoleum, vault or crypt, and shall:

See that the approved plans and specifications are in all respects complied with. (a)

Appoint an inspector under whose supervision the mausoleum, vault or crypt shall be erected. (b)

Determine the amount of compensation of the inspector. The compensation shall be paid by the person erecting such mausoleum, vault or crypt. (c)

No departure or deviation from the original plans and specifications is permitted except upon approval of the Division, evidenced in the same manner as the approval of the original plans and specifications. 2.

A mausoleum, vault, crypt or structure shall not be used to hold any dead body until a final certificate is obtained indicating compliance with the plans and specifications as filed. The certificate must be signed either by the Chief Medical Officer for the Division or by the head of the local building or public works department, depending upon which division or department supervised the construction under 3. NRS 452.210.

[3:21:1931; A 1933, 26; 1931 NCL § 4085.02] — (NRS A 1963, 964; 1971, 2076; 1977, 168; 2013, 3061)

NRS452.235 Certificate of occupancy required before use. A cemetery authority shall not use any crypt or niche for the entombment or inurnment of human remains unless a certificate of occupancy has been issued by the State Board of Health or the local building or public works department, depending upon which authority supervised the construction under NRS 452.210, for the occupancy of any such crypt or niche.

(Added to NRS by 1971, 2072; A 1993, 2607)

NRS452.240 Removal of bodies when structure becomes danger to public health; payment of expenses of reinterment.

Whenever any mausoleum, vault, crypt or structure heretofore erected, and containing one or more deceased human bodies, shall, in the opinion of the Division, become a menace to public health, any court of competent jurisdiction may order the person, firm or corporation owning the structure to remove the deceased body or bodies for interment in some suitable cemetery at the expense of the person, firm or corporation owning such mausoleum, vault or crypt. 1.

If no such person, firm or corporation can be found in the county where such mausoleum, vault or crypt may be located, then such removal and interment shall be at the expense of the cemetery or cemetery association, county, city or town where such mausoleum, vault or crypt may be situated. 2.
[4:21:1931; 1931 NCL § 4085.03] — (NRS A 1963, 965)

NRS452.250 Deposit of money required by NRS 452.120. There shall be deposited with the board of trustees or board of directors of any cemetery corporation or association where the mausoleum, vault or crypt is to be erected the amount provided for in NRS 452.120.
[5:21:1931; A 1933, 26; 1951, 357] — (NRS A 1961, 117; 1971, 2076)

NRS452.270 Penalty. Any person, any member of a firm, or any officer or director of a corporation failing to comply with each and every provision of NRS 452.210 to 452.250, inclusive, shall be personally liable therefor, and is guilty of a misdemeanor.
[6:21:1931; 1931 NCL § 4085.05] — (NRS A 1967, 584; 1971, 2077)

Miscellaneous Provisions

NRS452.285 Inalienability of lot or plat transferred from nonprofit corporation to individual holders; release of interest; restrictions on interment.

Whenever the cemetery lands and property of any nonprofit corporation governed by the provisions of 1. chapter 82 of NRS formed for the purpose of procuring and holding lands to be used exclusively for a cemetery or place of burial of the dead are laid off into lots or plats, and the lots or plats, or any of them, are transferred to individual holders, and after there has been an interment in a lot or plat so transferred, the lot or plat, from the time of the interment, is forever thereafter inalienable, and, upon the death of the holder or proprietor thereof, descends to the heirs at law of the holder or proprietor, and to their heirs at law forever. Any one or more of the heirs at law may release to any other of the heirs at law his or her or their interest in the lot or plat, on such conditions as are agreed on and specified in the release, which must be recorded with the county recorder of the county within which the cemetery is situated.

The body of any deceased person must not be interred in such a lot or plat, unless it is the body of a person having, at the time of the person's decease, an interest in the lot or plat, or the relative of some person having such an interest, or the spouse of such a person, or the spouse's relative, except by the consent of all persons having an interest in the lot or plat. 2.

(Added to NRS by 1991, 1316) — (Substituted in revision for NRS 452.185)

NRS452.300 Unlawful to make or open road through cemetery or deposit material within cemetery without consent; penalties.

Every person who makes or opens any road, or constructs any railway, turnpike, canal or other public easement over, through, in or upon such part of any cemetery without authority of law or the consent of the cemetery authority or owner thereof is guilty of a category E felony and shall be punished as provided in 1. NRS 193.130.

Every person who deposits any material in or upon any cemetery without written consent from the owner of the cemetery or the cemetery authority or without a court order is guilty of a category E felony and shall be punished as provided in 2. NRS 193.130.

[1911 C&P § 212; RL § 6477; NCL § 10160] — (NRS A 2005, 500)

NRS452.305 Unlawful to damage or destroy property in cemetery or disturb contents of grave, tomb or crypt; penalty; restitution; civil liability.

A person who: 1.

Willfully destroys, mutilates, defaces or injures any tomb, monument, gravestone, building or other structure placed in any cemetery; (a)

Willfully destroys, mutilates, defaces or injures any fence, railing or other work for the protection or ornament of any cemetery or any tomb, monument, gravestone, or any structure, plat or lot within the cemetery; (b)

Willfully destroys, cuts, breaks or injures any tree, shrub or plant within the limits of any cemetery; or (c)

Willfully disturbs the contents of any grave, tomb or crypt in a cemetery, (d)

is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution to the owner of the cemetery, cemetery authority or board of county commissioners of the county in which the cemetery is located, as appropriate, including payment of any costs to reinter or redeposit the contents of any grave, tomb or crypt that were removed or disturbed by the person.

Any money paid for restitution pursuant to subsection 1 must be applied by the trustees, owner of the cemetery, cemetery authority or board of county commissioners of the county in which the cemetery is located, as appropriate, to repair or restore the property which was destroyed or injured and to conduct any reinterment or redeposit for which costs were ordered pursuant to subsection 1. 2.

This section does not relieve any person from civil liability for engaging in an unlawful act pursuant to this section. 3.

(Added to NRS by 1991, 1316; A 2005, 500)

NRS452.3055 Unlawful to remove objects from cemetery without consent or to possess or traffic in objects unlawfully removed; penalty; restitution; civil liability; exceptions.

It is unlawful for a person to: 1.

Remove willfully any tomb, monument, gravestone, fencing, building or other structure placed in a cemetery, or any portion of the tomb, monument, gravestone, fencing, building or structure, without written authorization from a member of the immediate family or a lineal descendent of the deceased, the owner of the cemetery or cemetery authority, the board of county commissioners of the county where the cemetery is located or a court order; (a)

Possess any tomb, monument, gravestone, fencing, building or other structure removed from a cemetery, or any portion of the tomb, monument, gravestone, fencing, building or structure, if the person knows it has been unlawfully removed from a cemetery; or (b)

Sell, offer or attempt to sell or otherwise transfer or dispose of any tomb, monument, gravestone, fencing, building or other structure placed in a cemetery, or any portion of the tomb, monument, gravestone, fencing, building or structure, if the person knows it has been unlawfully removed from a cemetery. (c)

A person who violates any provision of subsection 1 is guilty of a category E felony and shall be punished as provided in 2. NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution to the owner of the cemetery, the cemetery authority or the board of county commissioners of the county in which the cemetery is located, as appropriate.

A person who is paid money for restitution pursuant to subsection 2 shall use the money to repair or restore the property that was removed from the cemetery. 3.

This section does not relieve any person from civil liability for engaging in an unlawful act pursuant to this section. 4.

The provisions of this section do not apply to a person acting in the course of a medical or archeological study or criminal investigation or in carrying out the professional mortuary duties of the person. 5.

(Added to NRS by 2005, 499)

Operation of Business

NRS452.310 Certificate of authority: Requirement; application and supporting documents; filing fee and other fees; provision of information to Administrator.

No person may engage in the business of operating a cemetery in this state without first obtaining a certificate of authority from the Board. 1.

Applications for a certificate of authority to operate a cemetery must be filed with the Board. Each application must be accompanied by: 2.

A filing fee of \$1,000 and any other fees related to the application. No part of the fees is refundable. (a)

A copy, certified by the proper officials, of the: (b)

Articles of incorporation, if any. (1)

Bylaws of the corporation, if any. (2)

Application to the city or county planning commission for a use permit or the rezoning for the proposed cemetery. (3)

Land use or zoning permit. (4)

Declaration of dedication of land to cemetery purposes. (5)

Deed, contract of purchase or other document which provides the applicant with merchantable title to the land dedicated. (6)

Endowment care trust fund agreement executed by the proper officers of the cemetery authority. (7)

A statement, executed by the proper officers of the applicant, setting forth: (c)

If the applicant is a corporation, the names and addresses of the board of directors and officers. (1)

If the applicant is not a corporation, the names and addresses of the natural persons in charge. (2)

The names and addresses of the trustees of the endowment care fund. (3)

The name and address of the person in charge of sales. (4)

→ The statement must contain a description of the general character, experience and fitness to engage in the cemetery business for each person named.

A complete, detailed and audited financial statement showing assets, liabilities and reserve. (d)

An itemized statement of all estimated receipts and expenditures for the succeeding 2-year period or such other period as may be required by the Board. (e)

A map of the proposed cemetery in such detail and size as may be required by the Board. (f)

A statement of the proposed plan of operation in such detail as may be required by the Board. (g)

A statement of the amount deposited in the endowment care fund and the type of investment made of such amount. (h)

A statement from the depository showing the deposit in the endowment care fund of the amount required by (i) NRS 452.120 and 452.130.

Such other information as may be required by written notice from the Board. (j)

Upon request, the Board shall provide to the Administrator a copy of the following information contained in an application for a certificate of authority filed with the Board pursuant to this section: 3.

- The endowment care trust fund agreement; (a)
- The names and addresses of the trustees of the endowment care fund; and (b)
- The statements described in paragraphs (h) and (i) of subsection 2. (c)

(Added to NRS by 1971, 2063; A 1993, 2607; 2003, 1280)

NRS452.330 Content of financial statement.

If the applicant is a new corporation, the financial statement required by 1. NRS 452.310 shall designate the amount of stock subscribed, the consideration paid for all stock issued and the amount of promotional stock involved.

If the applicant has had prior experience in the cemetery business, the financial statement required by 2. NRS 452.310 shall include complete profit and loss statements for the preceding 3 years or, if the applicant has been in such business for less than 3 years, then for such period.

(Added to NRS by 1971, 2064)

NRS452.340 Certificate of authority: Issuance; duration.

If the Board finds that the proposed cemetery authority has in good faith complied with all lawful requirements, it shall within 30 days issue a certificate of authority for the operation of a cemetery. 1.

Notwithstanding the provisions of 2. NRS 642.069, the certificate of authority is valid for 6 months from the date of issuance, and if the cemetery authority has not begun operations within that time the certificate expires unless the Board has, for good cause, extended the period. No such extension may be given for more than 6 months from the date of extension.

(Added to NRS by 1971, 2064; A 1993, 2608; 2015, 1971)

NRS452.350 Regulations of cemetery authority. A cemetery authority may:

Adopt, amend and enforce rules and regulations for the use, care, control, management, restriction and protection of its property; 1.

Restrict and limit the use of all property within its cemetery; 2.

Regulate the uniformity of erections within its cemetery; 3.

Regulate, prohibit or remove monuments, effigies and structures within any portion of its cemetery; 4.

Prohibit the introduction of plants and shrubs within its cemetery; 5.

Regulate or prohibit, for good cause, the use of any portion of its cemetery for interment, entombment or inurnment; and 6.

Regulate the conduct of persons and prevent improper assemblages within its cemetery. 7.

(Added to NRS by 1971, 2065)

NRS452.360 Map of cemetery: Requirements; content; inspection.

A cemetery authority, when additional property is required for interment, entombment or inurnment purposes, shall make maps showing: 1.

If land, the location of graves, monuments, markers, memorials, vaults, crypts, thoroughfares and plots, with descriptive names where applicable. (a)

If a mausoleum, crematory or columbarium, the location of halls, rooms, corridors, elevations and other divisions, with descriptive names where applicable. (b)

The maps required by subsection 1 shall: 2.

Be kept on cemetery land in an office of the cemetery authority. (a)

Open to inspection by authorized and interested persons. (b)

Show and facilitate the location of all bodies or human remains interred, entombed or inurned in the cemetery. (c)

Show the name of the owner of each lot, vault, crypt, niche or other repository in the cemetery, mausoleum or columbarium. (d)

(Added to NRS by 1971, 2065)

NRS452.410 Certificate of occupancy required before sale of crypt or niche; exceptions.

Except as may otherwise be specifically authorized in writing by the Administrator, after the Division's written approval of plans and specifications for the construction of a mausoleum or columbarium, no cemetery authority or person on behalf of such cemetery authority shall sell, offer for sale, contract to sell or negotiate the sale of a crypt or niche in any such advertised or projected structure before receiving a certificate of occupancy, unless the cemetery authority: 1.

Provides a bond, if deemed necessary by the Administrator, in favor of the State of Nevada in an amount which is sufficient to cover the amount of sales commission that has been received from the buyer until the structure is completed and complie (a)s with paragraphs (c) and (d) of this subsection; or

Is able to provide a certificate of ownership for existing crypts or niches of comparable value to the one sold and includes a provision in each contract of sale that the purchaser has the right of exchange for an existing crypt or niche of comparable value; and (b)
Deposits the net proceeds, remaining after payment of the sales commission, collected on the sale of such crypts or niches, into a trust for the purpose of the construction of the projected or advertised mausoleum or columbarium; and (c)

Has provisions for satisfactory temporary entombment or interment, acceptable to the contract purchaser or the representative of the deceased contract beneficiary, pending completion of construction and delivery of the approved crypt or niche, when sold by reference to construction plans and specifications, in accordance with the terms of the sales contract. (d)

Each contract for the sale of a mausoleum crypt or niche before a certificate of occupancy is obtained shall contain a provision substantially stating: "If the seller at any time finds himself or herself unable to fulfill this agreement owing to an act of God, strike, riot, order of civil or military authority or to any other unforeseen contingency, he or she shall return to the purchaser all moneys that may have been paid hereunder, and this agreement thereupon shall be void." 2.

(Added to NRS by 1971, 2065)

NRS452.590 Acquisition of existing cemetery authority: Requirements and fees for certificate of approval.

A person who proposes to purchase or acquire control of an existing cemetery authority, either by purchase of the outstanding capital stock of a cemetery authority or the interest of the owner or owners, and thereby to change the control of the cemetery authority, shall first make application to the Board for a certificate of approval of the proposed change of control in the cemetery authority. 1.

The application must contain the name and address of the proposed new owners, and the Board may only issue a certificate of approval after it is reasonably satisfied that the proposed new owners are qualified by character, experience and business and financial reputability and responsibility to control and operate the cemetery in a suitable and proper manner, and that the interest of the public generally will not be jeopardized by the proposed change in ownership and management. The Board shall not issue a certificate of approval without the approval of the Administrator. 2.

The application must be accompanied by a filing and investigation fee of \$250 and any other fees related to the application. No part of the fees is refundable. 3.

(Added to NRS by 1971, 2071; A 1993, 2609; 2003, 1281)

Violations

NRS452.610 Penalty. In addition to any other penalty provided for in NRS 452.001 to 452.610, inclusive, any person who violates any provision of NRS 452.001 to 452.610, inclusive, or any regulation adopted or administrative order entered pursuant to those sections, for which a greater penalty is not otherwise provided by law, is guilty of a misdemeanor.

(Added to NRS by 1971, 2072; A 1993, 2754; 2003, 1282)

NRS318.116 Basic powers which may be granted to district. Any one, all or any combination of the following basic powers may be granted to a district in proceedings for its organization, or its reorganization pursuant to NRS 318.077 and all provisions in this chapter supplemental thereto, or as may be otherwise provided by statute:

- Furnishing electric light and power, as provided in 1. NRS 318.117;
 - Extermination and abatement of mosquitoes, flies, other insects, rats, and liver fluke or *hepatica*, as provided in NRS 318.118; 2. *Fasciola*
 - Furnishing facilities or services for public cemeteries, as provided in 3. NRS 318.119;
 - Furnishing facilities for swimming pools, as provided in 4. NRS 318.1191;
 - Furnishing facilities for television, as provided in 5. NRS 318.1192;
 - Furnishing facilities for FM radio, as provided in 6. NRS 318.1187;
 - Furnishing streets and alleys, as provided in 7. NRS 318.120;
 - Furnishing curbs, gutters and sidewalks, as provided in 8. NRS 318.125;
 - Furnishing sidewalks, as provided in 9. NRS 318.130;
 - Furnishing facilities for storm drainage or flood control, as provided in 10. NRS 318.135;
 - Furnishing sanitary facilities for sewerage, as provided in 11. NRS 318.140;
 - Furnishing facilities for lighting streets, as provided in 12. NRS 318.141;
 - Furnishing facilities for the collection and disposal of garbage and refuse, as provided in 13. NRS 318.142;
 - Furnishing recreational facilities, as provided in 14. NRS 318.143;
 - Furnishing facilities for water, as provided in 15. NRS 318.144;
 - Furnishing fencing, as provided in 16. NRS 318.1195;
 - Furnishing facilities for protection from fire, as provided in 17. NRS 318.1181;
 - Furnishing energy for space heating, as provided in 18. NRS 318.1175;
 - Furnishing emergency medical services, as provided in 19. NRS 318.1185;
 - Control of noxious weeds, as provided in 20. chapter 555 of NRS; and
 - Establishing, controlling, managing and operating an area or zone for the preservation of one or more species or subspecies of wildlife that has been declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq., as provided in 21. NRS 318.1177.
- (Added to NRS by 1967, 1693; A 1969, 201; 1971, 261; 1977, 533; 1979, 571; 1985, 1803; 1989, 1881; 1993, 2783; 1995, 179, 1905; 1997, 483; 2001, 2083; 2003, 1513; 2015, 3593)

NRS318.119 Public cemeteries. In the case of a district created wholly or in part for acquiring public cemetery improvements, the board shall have the power to:

Maintain a cemetery for the use of all inhabitants of the district, and for that purpose shall be capable of holding title to property in trust for the district. 1.

Levy annually, except for the payment of any outstanding general obligation bonds of the district, a general (ad valorem) property tax of not exceeding 2 mills on each dollar of assessed valuation of taxable property, for purposes pertaining to the basic purpose stated in this section. 2.

Levy annually such a tax fully sufficient to pay the principal of, interest on and any prior redemption premium due in connection with any outstanding general obligation bonds pertaining to the basic purpose stated in this section. 3.

The district shall not have the power in connection with the basic power stated in this section to:

- Levy special assessments; or (a)
- Borrow money which loan is evidenced by the issuance of any revenue bonds, special assessment bonds or other special obligations of the district. (b)

(Added to NRS by 1967, 1697; A 1969, 201)

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PERSHING COUNTY CEMETERY DISTRICT
RULES AND REGULATIONS

1. DEFINITIONS

A. CEMETERY DEFINED

The term Cemetery means the Burial Park, for earth interments; the public and private mausoleums and sarcophaguses, for above ground crypt entombments; the crematory for cremations, and the columbariums, for inurnments of cremated remains.

B. PLOT, GRAVE, CRYPT AND NICHE DEFINED

"Plot" means used or unused space in the Cemetery, for interment of human remains in which more than one grave is located.

"Grave" means one space of ground in a plot in the Cemetery for the interment of human remains.

C. INTERMENT DEFINED

"Interment" means the disposition of human remains by burial.

"Entombment" means the disposition of human remains by placement in a crypt or sarcophagus.

D. REMOVAL DEFINED

"Removal" means the disinterment of human remains.

E. MEMORIAL MARKER, UPRIGHT STONE, AND FEATURE MEMORIAL DEFINED

"MEMORIAL MARKER" means the flush to the earth marker set to identify and preserve the memory of the deceased person.

"Upright Stone" means a Monument, headstone, or tombstone which is set above the ground to identify and preserve the memory of a deceased person.

"Feature Memorial" means a centrally located memorial erected in memory of all persons within the area in which the memorial is located.

F. PERSHING COUNTY

"Pershing County" as used herein means the Board of Pershing County Commissioners by and through the Pershing County Cemetery Board as an advisory board.

2. GENERAL SUPERVISION OF CEMETERY

A. ADMISSION TO CEMETERY

Pershing County reserves the right to compel all persons coming into the Cemetery to present proper identification to the gatekeeper for examination; also all vehicles and machines may be compelled to be brought to a full stop at the entrance; and further Pershing County reserves the

right to refuse admission to anyone not a lot owner or relative of a person interred in said Cemetery, and to refuse the use of any Cemetery facilities at any time to any person or persons whom Pershing County may deem objectionable to the best interest of the Cemetery.

B. JURISDICTION OF PERSHING COUNTY

All funerals upon entering the cemetery shall be subject to the jurisdiction, rules and regulations of the Pershing County Cemetery Board.

C. CASKET NOT TO BE OPENED OR BODY TOUCHED WITHOUT CONSENT

Once the casket is placed in the plot space, Pershing County reserves the right to refuse permission to open the casket or touch the body without written consent of a legal representative of the deceased or without the authority of a Court Order; provided that the event requires, Pershing County may take appropriate steps to correct any obnoxious or improper conditions.

3. INTERMENTS, ENTOMBMENTS, AND REMOVALS GENERALLY

A. SUBJECT TO LAWS

Besides being subject to these rules and regulations, all interment, entombments and removals are subject to the orders of law properly constituted by the authorities of the State of Nevada.

B. TIME AND CHARGES

All interments, entombments and removals must be made at the time and in the manner, with full payment of charges in advance of services, as fixed by Pershing County.

C. HOLIDAYS

No interments, entombments, removals, nor services shall be permitted on Sundays or on any Legal Federal, State or Local holiday which Pershing County desires to observe.

Any exceptions to the above must be in writing from Pershing County.

D. NOTICE

Pershing County reserves the right to require at least twenty four hours notice before any interment or entombment and at least a weeks notice prior to any removal. Pershing County may refuse to make an interment or entombment until a more expedient time if the remains arrive at the Cemetery entrance after 4:00 P.M., or if too many funerals arrive at the same time.

E. AUTHORITY TO ENTER OR ENTOMB

Pershing County may enter or entomb in any plot upon the written authorization of the plot owner of record made out on forms approved by Pershing County and duly filed with Pershing County unless there are written instructions to the contrary on file with Pershing County.

F. NOT RESPONSIBLE FOR JEWELRY

Pershing County shall not be responsible for any jewelry or keepsakes or other valuables that are on the deceased at the time of delivery of the remains to the Cemetery. No article may be removed from the remains of any deceased person in the custody of the Cemetery without written instructions of the person or persons having legal authority to authorize such removal.

G. LINER AND VAULTS

Pershing County may require the use of some type of liner or vault for every earth interment.

H. LOCATION OF INTERMENT SPACE

When instructions from the plot owner regarding the location of an interment space in a plot can not be obtained, or are indefinite, or when for any reason the interment space can not be opened where specified, Pershing County may, in its discretion, open it in such location in the plot as it deems best and proper, so as to not delay the funeral; and Pershing County shall not be liable in damages for any errors so made.

I.. DELAYS IN INTERMENTS CAUSED BY PROTESTS

Pershing County shall be in no way liable for any delay in the interment or entombment of any body where a protest to the interment or entombment has been made, or where the Rules and Regulations have not been complied with, and further, Pershing County reserves the right, under such circumstances, to place the body in a receiving vault until the full rights have been determined. Pershing County may require any protest be in writing and filed with Pershing County.

J. NOT RESPONSIBLE FOR EMBALMING OR FOR IDENTITY

Pershing County shall not be liable for the Burial Transit permit nor for the identity of the person to be interred or entombed, nor shall Pershing County be in any way liable for embalming the body.

K. NO INTERMENT NOR ENTOMBMENT PERMITTED UNLESS PROPERTY PAID FOR

No interment or entombment shall be permitted or Memorial Marker placed in or on any property not fully paid for except by special consent of Pershing County in writing in each and every case, and in the event such consent is given, any and all interments, entombments or Memorial Markers shall be considered as temporary and a note, insurance assignment, or estate claim shall not be considered as payment, and no rights shall be acquired by the plot purchaser of said interments or entombments until such property is fully paid for in cash, including principal and interest; and in case the purchaser shall fail to meet all payments within thirty days after the same are demanded by Pershing County, then Pershing County may reenter said property and hold the same as of its former estates. Pershing County, thereupon, shall be released from all obligations hereunder, and shall retain such payments as may have been made toward the purchase of such property as liquidated damages. Pershing County reserves the right, and shall have the right immediately or at any time thereafter, without notice, at its discretion, to remove the single graves to be chosen by Pershing County, each of the remains then interred in said property. Pershing County further shall have the right to remove any Memorials that have been placed on said property.

L. INTERMENT OR ENTOMBMENT OF MORE THAN ONE BODY

Not more than one body, or the remains of more than one body shall be interred or entombed in one grave, unless such grave has been purchased with the written agreement that more than one body may be interred or entombed in the grave without prior consent of Pershing County.

M. RESPONSIBILITIES OF FUNERAL DIRECTOR

The funeral director shall be responsible for the opening and closing of the grave; however, such opening and closing must conform to the direction, rules and regulations of Pershing County.

Tents, artificial grass, lowering devices shall be furnished by and be the responsibility of the funeral director in charge of making the funeral. Such funeral director shall mark all interments immediately with a temporary grave marker which is legible for a reasonable period of time and notify Pershing County with the necessary identifying information as required by Pershing County to identify the individual who is buried in a particular plot.

N. REMOVAL FOR PROFIT PROHIBITED

Removal by the heirs, of a body so that a grave or plot may be sold for profit to themselves or removal contrary to

the expressed or implied wish of the original plot owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.

O. MAY OBTAIN A LARGER PLOT

A body may be removed from its original plot to a larger or better plot in the Cemetery when there has been an exchange or purchase for that purpose.

P. CARE IN REMOVAL

Pershing County shall exercise due care in supervising a removal but it shall assume no liability for damage to any casket or burial case, liner, vault or urn, incurred in making the removal.

Q. ORDER GIVEN BY TELEPHONE

Pershing County shall not be held responsible for any orders given by telephone, or for any mistake occurring from the want of precise and proper instructions as to the particular space size and location in a grave where interment or entombment is desired.

R. ERRORS MAY BE CORRECTED

Pershing County reserves the right to correct any errors that may be made in making interments, entombments or removals or in description, or transfers or conveyance of any interments or entombments either by cancelling such conveyances and substituting and conveying in lieu thereof other entombment property of equal value and similar location as far as possible, or as may be selected by Pershing County, or at the sole discretion of Pershing County by refunding the amount of money paid on account of said purchase. In the event the error shall involve the interment, or entombment of the remains of any person in such property, Pershing County reserves and shall have the right to remove and reenter or entomb the remains in such property of equal value and similar location may be substituted and conveyed in lieu thereof.

Pershing County shall also have the right to correct any errors made in setting markers or by placing an improper inscription or name or date on the Memorial Marker.

5. SERVICE CHARGES AND PAST DUE INDEBTEDNESS

A. PAYMENT OF SERVICE CHARGES

The charges for the Cemetery services must be paid at the time of the issuance of the order for interment, entombment, removal, which included but is not limited to the property, openings, liners or vaults, urns, Memorial Markers, vases and applicable taxes.

B. PAST DUE INDEBTEDNESS

Arrangements for the payment of any and all indebtedness due Pershing County must be made before interment.

6. RIGHTS OF PROPERTY OWNERS

A. INTERMENT, ENTOMBMENT AND RIGHTS OF PROPERTY OWNERS

The right of interment or entombment in all graves and conveyed to individuals are presumed to be the sole and separate property of the owner named in the instruction of conveyance. The spouse of an owner of any plot, containing more than one interment, entombment or space has a vested right of interment, entombment of his or her remains in the plot, crypt or niche and any person thereafter becoming the spouse of the owner has a vested right of interment or entombment of his or her remains in the plot if more than one grave, crypt or niche is unoccupied at the time the persons becomes the spouse of the owner.

No conveyance or other action of the owner without consent or joiner of the spouse of the owner divests the spouse of a vested right of interment, entombment, except that a final decree of divorce between them terminates the vested right of interment, entombment, or unless otherwise provided in the decree.

In a conveyance to two or more persons as joint tenant has a vested right of interment, entombment in the property conveyed. A vested right of interment or entombment may be waived and is terminated upon the interment or entombment elsewhere of the remains of the person in whom vested.

An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the grave, crypt or niche space is complete authorization to permit the use of the unoccupied portions of the plot by the persons entitled to the use of it. An affidavit by any person having knowledge of the facts setting forth the fact of the death of one joint tenant and establishing the identity of the surviving joint tenants named in the deed to any plot, when filed with Pershing County, is complete authorization to Pershing County to permit the use of the unoccupied portion of the plot in accordance with the directions of the surviving joint tenants or their successors in interest.

When there are several owners of a plot with the rights of interment in it, they may designate one or more persons to represent the property and file written notice of designation with Pershing County. In the absence of such notice or of written objection to its so doing, Pershing County is not liable to any owner for interring, entombing or permit interment or entombment in the property upon the request or direction of any co-owner of the plot.

No vested right of interment or entombment gives to any person the right to have his remains interred or entombed in any grave in which the remains or any deceased person having prior vested right of interment or entombment have been interred or entombed, nor does it give any person the right to have the remains of more than one deceased person interred or entombed in a single grave, crypt or niche in violation of the rules and regulations.

B. FAMILY PLOT, CRYPT OR NICHE HELD INALIENABLE

Whenever an interment or entombment of the remains of a member or a relative of a member of the family of the record owner or of the remains of the record owner is made in a plot transferred by deed or certificate of ownership to an individual owner and the owner dies without make disposition of the plot either in his will by a special device, or by written declaration filed and recorded with Pershing County, the plot thereby becomes inalienable and shall be held as the family plot of the owner.

In a family plot one space may be used for the owner's interment; one for the owner's surviving spouse, if any, who by law has a vested right of interment in it; and in those remains, if any the parents and children of the deceased owner in order of death may be interred or entombed without the consent of any person claiming any interest in the plot, crypt or niche.

If no parent or child survives, the right of interment goes in the order of death first, to the spouse of any child of the recorder owner, and second, in the order of death to the next heirs at law of the owner or the spouse of any heir at law. Any surviving parent, spouse, child or heir who has a right in favor of any other relative, or spouse of a relative of either the deceased owner or his spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred or entombed in the plot. Pershing County may take and hold any plot conveyed or devised to it by the plot owner so that it will be inalienable, and interments, entombments shall be restricted to the persons designated in the conveyance or device.

C. DESCENT OF RIGHT OF INTERMENT OR ENTOMBMENT

If no interment or entombment is made in a plot, which has been transferred by deed or certificate of ownership to an individual owner, or if all remains previously interred or entombed are lawfully removed, upon the death of the owner, unless he has disposed of the plot, either in his will by a specific device or by written declaration filed and recorded with Pershing County, the plot descends to the heirs at law of the owner subject to the rights of interment of the descendent and his surviving spouse.

D. HUMAN REMAINS ONLY

The use of the property in the cemetery is restricted to the interment or entombment of human remains only.

7. CONSENT OF PERSHING COUNTY

No transfer or assignment of any plot, merchandise or service or interest therein, shall be valid until the consent of Pershing County has been endorsed thereon and the same has been recorded on the books of Pershing County. No commercial transfer purely for business reasons may be carried out except through Pershing County.

B. INDEBTEDNESS

Pershing County may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due to Pershing County from the record plot, crypt, niche, merchandise or service owner.

C. TRANSFER CHARGES

Pershing County may fix a charge for all transfers of ownership in plots, merchandise or services. No transfer of ownership shall be complete or effective until all charges are paid.

D. TRANSFER BACK TO PERSHING COUNTY

If Pershing County desires to purchase back any plot previously sold, the owner shall be reimbursed in the amount of the original selling price, without interest, and thereafter Pershing County shall have the right to resell the said plot at the then existing rate for such plot.

8. SUBDIVISION OF PLOTS

The subdivision of plots, is not allowed without prior consent of Pershing County and no one shall be interred or entombed in a plot not having any interest therein, provided, however, a relative of any record owner may be interred or entombed in said plot as provided in these rules or in the laws of the State of Nevada.

9. CONTROL OF WORK BY PERSHING COUNTY

A. GENERAL WORK

All grading, landscape work, general improvements of the Cemetery, planting and care of any shrubs, herbage or trees shall be carried out only by Pershing County. Individual plot owners may care for individual plots, but may not plant trees shrubs or herbs without consent of Pershing County.

All interments or entombments, disinterments and removals shall be made under the supervision of Pershing County.

B. PERSHING COUNTY MUST DIRECT AND MAY REMOVE IMPROVEMENTS

All improvements or alterations of individual property in the Cemetery shall be under the direction of and subject of the consent, satisfactions, and approval of Pershing County. Pershing County shall have the right to remove, alter or change such improvements, in any event, at any time, and in its judgment, that they become unsightly to the eye.

10. DECORATION OF PLOTS

A. FLORAL REGULATIONS

Pershing County shall have authority to remove all flowers, easels, needle pac's, vases, wreaths, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as, in the judgment of Pershing County, they become unsightly dangerous, detrimental or deceased, or when they do not conform to the standards maintained. Pershing County shall not be liable for the removal of any flowers, easels, needle pac's, vases, wreaths, weeds, shrubs, plants or other objects. Pershing County shall not be liable for lost, misplaced, stolen or broken flower vases. Pershing County shall not be responsible for flowers, easels, needle pac's vases, wreaths, plants, trees shrubs, or planting of any kind damaged by the elements, thieves, vandals, or by other caused beyond its control. Pershing County reserves the right to prevent the removal of any flowers, easels, needle pac's, vases, pots wreaths, treats, shrubs, plants or other objects of any kind, unless it gives its consent.

B. REMOVAL OF EASELS, NEEDLE PAC'S FLOWER POTS.

Easels, needle pac's, flower pots or other objects removed from the grave, crypt or niche by Pershing County may be disposed of by Pershing County in any manner it sees fit.

11. ROADWAYS AND REPLATting

A. RIGHT TO REPLAT, REGRADE AND USE PROPERTY

The right and privilege at any time and from time to time, to resurvey, enlarge, diminish, replat, alter in shape or size or otherwise to change all or any part, portion or subdivision of the property hereby mapped and platted (including the right to lay out, establish, close, eliminate or otherwise modify or change the location of roads, walks or drives) and to prepare amended maps or plats thereof, and to use the same for erection of buildings, or for any purposes or uses connected with, incident to or convenient for the care, preservation or preparation for the uses connected with, incident to or

convenient for the care, preservation or preparation for the uses connected with, incident to or convenient for the care, preservation or preparation for the disposal or interment or entombment of human remains or other cemetery purposes, together with easements and rights of way over and through said premises for, and the right and privilege of installing, maintaining and operating pipelines, conduits or drains for sprinklers, drainage, electric or communicating lines, or for any other purpose, is hereby expressly reserved.

B. NO RIGHT GRANTED IN ROADS OR ALLEYS

No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the Cemetery, unless it has been abandoned for the purpose, but such road, drive, alley or walk may be used as means of access to the Cemetery or buildings as long as Pershing County devotes it to that purpose.

12. CONDUCT OF PERSONS WITHIN THE CEMETERY

A. MUST USE EXTREME CAUTION

Persons within the cemetery grounds and buildings shall use extreme caution while on the avenues, walks, alleys, stairs and roads, on the grounds and in the corridors, ramps, hallways, rooms and stairs in the buildings or any other portion of the developed or undeveloped Cemetery property. Persons shall be specially cautioned not to catch their shoe heels in recessed flower vases or allow their heels to sink into the ground. Pershing County shall in no way be liable for any injuries sustained by any person while they are within the Cemetery grounds and buildings.

B. TRESPASSERS ON CEMETERY PLOTS

Only the plot owner and his relatives shall be permitted on the Cemetery plot. Plots are sacred and private property and must not be invaded. Any other person thereon shall be considered a trespasser, and Pershing County shall owe no duty to said trespasser to keep the property, or the Memorial thereon, in a reasonable safe condition.

C. CHILDREN

Children under fifteen years of age shall not be permitted within the Cemetery, or its buildings, unless accompanied by proper adults to take care of them.

D. FLOWERS, ETC.

All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubs, plants or feeding or disturbing the birds or other animal life.

E. REFRESHMENTS, LIQUORS AND DRUGS

Nor person shall be permitted to have or to take refreshments, liquor or drugs within the Cemetery, except as authorized by Pershing County.

F. LOITERING PROHIBITED

Persons other than plot owners or relative shall not be permitted to loiter in the cemetery or in any of the buildings.

G. LOUD TALKING

Boisterous or unseemly conduct shall not be permitted in the cemetery or any of the buildings.

H. RUBBISH

The throwing of rubbish on the drives and paths, or on any part of the grounds or in the buildings is prohibited. Receptacles for waste material are provide at convenient places.

I. AUTOMOBILES

AUTOMOBILES

Automobiles shall not be driven through the grounds at a greater speed than ten miles per hour, and must always be kept on the right hand side of the cemetery roadways. Automobiles are not allowed to park or to come to a full stop on a one way road or in front of an open grave unless such automobiles are in a funeral procession.

J. BICYCLES AND MOTORCYCLES

No bicycles or motorcycles shall be admitted to the cemetery except such as may be in attendance at funerals or on business.

K. PEDDLING OR SOLICITING

Peddling of flowers or plants, or soliciting the sale of any commodity is prohibited within the confines of the cemetery. Solicitation of any kind is strictly prohibited at any time in the cemetery without the approval of Pershing County.

L. FIREARMS

No firearms shall be permitted within the cemetery except on special permit from Pershing County or when carried by law enforcement officers in their line of duty. Firearms used during military funerals shall use blank cartridges only .

M. NOTICES AND ADVERTISEMENTS

No signs or notices or advertisement of any kind shall be allowed in the cemetery, unless placed by Pershing County.

N. PETS

Pets shall not be allowed on the cemetery grounds or in any of the buildings.

O. HOURS, GROUNDS AND OFFICE

The cemetery grounds may be closed as posted. However, such hours may be changed without notice if weather or other adverse conditions necessitate.

P. IMPROPRIETIES

It is of the utmost importance that there should be strict observance of all of the proprieties of the cemetery, whether embraced in these rules or not, as no improprieties shall be allowed, and Pershing County shall have power to prevent improper assemblages.

Q. CARETAKER TO ENFORCE RULES

The caretaker and such other employees as Pershing County may designate are hereby empowered to enforce all rules and regulations, and to exclude from the property of Pershing County any person violating the same. The caretaker and his assistants shall have charge of the grounds and building, and at all times shall have supervision and control of all persons in the cemetery, including the conduct of funerals, weddings, traffic, employees, property owners and visitors.

13. FEEES, GRATUITIES AND COMMISSIONS

Gratuities may not be accepted by employees. No person while employed by Pershing County shall receive any fee, gratuity or commission except from Pershing County, either directly or indirectly.

14. PROTECTION AGAINST LOSS OR DAMAGE

A. USE OF GUARDS AND NONRESPONSIBILITY

Pershing County shall have the right to maintain guards if in its discretion it deems it necessary but is under no obligation to do so. Whether or not guards are used, Pershing County distinctly disclaims all responsibility for loss or damage from causes by element, an act of god, common enemy, thieves, vandals, strikers, malicious mischief-makers, explosions, unavoidable accidents, invasions, insurrections,

riots, or other of any military or civil authority, whether the damage be direct or collateral.

B. PERSHING COUNTY MAY CHARGE FOR UNUSUAL REPAIRS NECESSITATED BY ACTS OF GOD, ETC.

In the event that it becomes necessary to repair or reconstruct any marble, granite, bronze or concrete work on any section or plot, or any portions thereof in the cemetery which has been damaged by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief-makers, explosions, unavoidable accidents, invasions, insurrection, riots, or by the order of any military or civil authority, Pershing County shall give a ten day written notice of the necessity for such repair to the plot, crypt or niche owner of records. The notice shall have his or her address stated on the books of Pershing county. In the event the plot owner fails to repair the damage within a reasonable time, Pershing County may direct that the repairs be made and charge the expense against the plot and to the owner of the record.

15. CHANGE IN ADDRESS OF PLOT, CRYPT OR NICHE OWNER

A. PLOT OWNER MUST NOTIFY PERSHING COUNTY

It shall be the duty of the plot owner to notify Pershing County of any change in his mailing address. Notice sent to a plot or owner at the last address on file in the office of Pershing County shall be considered sufficient and proper legal notification.

16. RULES FOR MEMORIAL WORK

A. MEMORIAL WORK GENERAL

Pershing County reserves the right to accept or reject any memorial markers, upright stones, feature memorials, private mausoleums, sarcophaguses, or any other memorial proposed, or any produce or supplier, and Pershing County shall not be required to show cause to builder, supplier or any other person by reason of such acceptance or rejection.

B. MEMORIAL MARKERS AND CURBS

Individual owners of cemetery plots or their family members who are legally responsible may place memorial markers and curbs on the grave site provided that they are placed in a location as designated by Pershing County and are not offensive to the cemetery or surrounding cemetery plots. In the event Pershing County deems that any marker or curbing has been placed in an unreasonable manner they may take steps to require removal, relocation or replacement of the memorial marker and/or curbing.

17. MODIFICATIONS AND AMENDMENTS

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship Pershing County, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these Rules and Regulations when in its judgment the same appears advisable; and such temporary exception, suspension or modification, shall in no way be construed as affecting the general applications of such rule. Weather conditions may also make it necessary to temporarily change some of the Rules and Regulations and this may be done at the judgment and discretion of Pershing County when the best interest of all are concerned.

Pershing County may, and it hereby expressly reserves the right, at any time or times, to adopt new rules and regulations, or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these Rules and Regulations.

APPROVED AND ADOPTED this 5 day of Sept,
A. D. 1986.

BOARD OF PERSHING COUNTY COMMISSIONERS

By Robert N. Maher
ROBERT N. MAHER, Chairman

ATTEST:

Veronica Gilson
CLERK :

PERSHING COUNTY CEMETERY BOARD

By Ed Gehring
Chairman

ATTEST:

Barbara Storey
Secretary of Board

RESOLUTION

No. 17-0812

SUMMARY: A RESOLUTION FIXING THE FEE FOR GRAVESITES AND PLOTS IN
PERSHING COUNTY CEMETERIES

WHEREAS, Pershing County Ordinance 321 authorizes the Pershing County Board of
Commissioners to establish by resolution the fees for gravesites and plots in county cemeteries;

WHEREAS, the Pershing County Cemetery Board recommends that the reservation fee for
gravesites and plots within county cemeteries be changed from \$75.00 to \$250.00;

WHEREAS, the Board of Commissioners recognizes that the fee for gravesites and plots
within the county's cemeteries has not been increased in decades;

WHEREAS, the Board of Commissioners desires that the proceeds of the increase be used
for the maintenance, expansion, and beautification of the county's cemeteries;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT effective August 2, 2017, the fee
charged for a gravesite or plot at county cemeteries shall be \$250.00 each.

IT IS SO RESOLVED.


The adoption of the foregoing Resolution was moved by Commissioner
____Rackley____, seconded by Commissioner ____McDougal____, and adopted on this 2nd
day of August, 2017, by the following vote of the Board of County Commissioners of Pershing
County.

AYES: 3 NAYS: 0 ABSENT: 0

ATTEST:

CLERK


CLERK


Carol Shank, Chairperson
Pershing County Commission

Summary: An ordinance establishing Chapter 13.40 entitled "Pershing County Cemeteries."

BILL NO. 321

ORDINANCE NO. 321

AN ORDINANCE ADDING CHAPTER 13.40 TO TITLE 13 OF THE PERSHING COUNTY CODE BY ESTABLISHING CEMETERY REGULATIONS; PROVIDING THE PURPOSE OF THE ORDINANCE; ESTABLISHING DEFINITIONS; PROVIDING LANDS DECLARED AS CEMETERIES; PROVIDING FOR THE PURCHASE OF ADDITIONAL LAND; PROVIDING FOR MAPS AND RECORDS; ESTABLISHING A CEMETERY ADMINISTRATOR; PROVIDING FOR THE RESERVATION OF GRAVESITES AND FEES; PROVIDING THAT GRAVESITES ARE HELD BY THE COUNTY IN FEE SIMPLE AND THAT BURIAL RIGHTS ARE NON-TRANSFERABLE; PROVIDING FOR SINGLE AND MULTIPLE INTERMENTS; PROVIDING FOR PERMIT REQUIREMENTS FOR INTERMENTS AND DISINTERMENTS; EXCLUDING CERTAIN HOLIDAYS FROM INTERMENTS; PROVIDING FOR THE MAINTAINENCE AND IMPROVEMENTS OF COUNTY CEMETERIES; ESTABLISHING PENALTIES FOR DAMAGING CEMETERY PROPERTY; PROHIBITING ANIMALS IN CEMETERIES; AND PROVIDING FOR CRIMINAL LIABILITY FOR VIOLATIONS.

WHEREAS, the Pershing County Board of Commissioners finds that cemetery grounds are considered sacred and should be maintained and treated with proper respect and decorum;

WHEREAS, the Pershing County Board of Commissioners venerates the rituals associated with the grieving process and finds that the privacy of mourners should be protected against disruption and intentional infliction of emotional distress;

WHEREAS, the efficient operation, maintenance, and appearance of Pershing County's Cemeteries will establish an appropriate ambience for mourners and promote the health, safety, and general welfare of the public;

NOW THEREFORE, the Pershing County Board of Commissioners does hereby ordain and pass the following ordinance:

13.40.010: **PURPOSE:**

This purpose of this ordinance is to provide for the efficient operation, maintenance, and appearance of Pershing County Cemeteries. The County finds that cemetery grounds are considered sacred and should be maintained and treated with respect and decorum. The County recognizes the rituals associated with the grieving process and finds that the privacy of mourners should be protected against disruption and intentional infliction of emotional distress. (Passed 2016, Ord. No. 321).

13.40.020: **DEFINITIONS:**

1. As used in this chapter, the following definitions apply unless the context otherwise clearly requires:

- (A) CEMETERY. The term "Cemetery" or "County Cemetery" means a designated burial park owned by Pershing County for earth interments of human remains; the public and private mausoleums and sarcophaguses for above ground crypt entombments; and the columbariums for inurnment of created human remains.
- (B) ENTOMBMENT. The term "Entombment" means the disposition of human remains by placement in a crypt or sarcophagus.
- (C) INTERMENT. The term "Interment" or "Inter" means the disposition of human remains by burial. As used herein, interment or inter may refer to burial, inurnment, and entombment.
- (D) INURNMENT. The term "Inurnment" means the disposition of cremated human remains by burial or placement in a columbarium.
- (E) GRAVESITE. The term "Gravesite" or "Grave" means one geographic space for the interment, inurnment, or entombment of human remains for which one right of burial may be sold.
- (F) PLOT. The term "Plot" means used or unused geographic space in the cemetery for the interment, inurnment or entombment of human remains in which more than one grave is located.
- (G) MARKER. The term "Marker" means a flat headstone set flush with the surface of the earth to identify the location of human remains and preserve the memory of a deceased person.
- (H) MEMORIAL. The term "Memorial" means a structure erected in memory of and in tribute to a common group, cause, or event.
- (I) MONUMENT. The term "Monument" means an upright headstone or tombstone set above ground to identify the location of human remains and preserve the memory of a deceased person.
- (J) RIGHT OF BURIAL. The term "Right of Burial" or "Burial Right" means the license to be buried in a Pershing County cemetery, which is obtained by the reservation of a gravesite. (Passed 2016, Ord. No.321).

- (K) **SERVICE ANIMALS.** The term "Service Animal" means an animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other disability.

13.40.030: LANDS DECLARED AS COUNTY CEMETERIES:

1. The following lands are declared to be suitable for and shall be used exclusively as cemeteries:

- (A) Lone Mountain: (Legal description to be provided).
- (B) Chinese Cemetery: (Legal description to be provided).
- (C) Big Meadow: (Legal description to be provided).
- (D) Unionville: (Legal description to be provided). (Passed 2016, Ord. No. 321).

13.40.040: PURCHASE OF ADDITIONAL LAND:

1. The Pershing County Board of Commissioners is authorized, pursuant to NRS 244.292, to purchase or arrange for the purchase or acquire, by any lawful means, land to be used as cemeteries as the need arises. (Passed 2016, Ord. No. 321).

13.40.050: MAPS AND RECORDS:

1. Cemetery maps shall be recorded in the County Recorder's Office. The maps shall be updated by the Cemetery Administrator or as otherwise directed by the Pershing County Board of Commissioners.

2. Cemetery maps shall, with precision:

- (A) Show, with descriptive names where applicable, paths, and avenues; gravesites, and plots; markers, memorials, and monuments; and other repositories of human remains within the cemetery;
- (B) Show and facilitate the location of all bodies or human remains interred, inurned or entombed in the cemetery; and
- (C) Show the name(s) of the person(s) who have reserved gravesite and/or plots within the cemetery. (Passed 2016, Ord. No. 321).

13.40.060: CEMETERY ADMINISTRATOR:

1. The Pershing County Board of Commissioners shall appoint a Cemetery Administrator, whose duties shall include the following:

- (A) Accurately, maintain, update, and record the maps of each County cemetery;
- (B) Maintain records concerning interments, disinterments, and the permits thereof;
- (C) Maintain records concerning the reservations of gravesites, plots, and other matters necessary to preserve the order of the County cemeteries.

- (D) Attend the regular and special meetings of the Pershing County Cemetery Advisory Board;
- (E) Perform other tasks and duties properly related to County cemeteries as directed from time to time by the Pershing County Board of Commissioners.

2. The Cemetery Administrator shall be entitled to compensation set by the Pershing County Board of Commissioners and shall serve at the pleasure of the Board of Commissioners. (Passed 2016, Ord. No. 321).

13.40.070 FEES FOR RESERVATION OF GRAVESITES AND PLOTS. TITLE IN FEE SIMPLE REMAINS WITH COUNTY. GRAVESITES, PLOTS, AND BURIAL RIGHTS ARE INALIENABLE:

1. It shall be unlawful for any person, firm or corporation to inter a deceased person in a Pershing County Cemetery unless in a gravesite reserved to that deceased person. Reservation of such gravesite shall occur upon full payment of the fees required by this section to the County Treasurer.

2. A fee set by resolution of the Pershing County Board of Commissioners to reserve gravesites and plots shall be paid to the County Treasurer at the time any person desires to reserve a gravesite or plot.

3. An additional registration and mapping fee set by resolution by the Board of Commissioners shall be paid to the County Treasurer for each reserved gravesite and plot.

4. Upon payment of the fees required herein, the County Treasurer shall inform the Cemetery Administrator of the reservation after which the plats will be marked by the Cemetery Administrator to show the reservation.

5. Cemetery fees shall be placed into a special fund designated for cemetery use. Such fees shall be collected and are nonrefundable, unless the Board of Commissioners deems that for reasons of emergency, hardship, or otherwise, such fees shall be waived.

6. No deceased person may be buried, nor marker nor monument placed, until the proper fees have been paid in full, unless excepted as provided herein.

7. The County retains fee simple absolute title the gravesites and plots, both reserved and unreserved, located within County Cemeteries. (Passed 2016, Ord. No. 321).

13.40.080 SINGLE AND MULTIPLE INTERMENTS:

1. Gravesites for inurnment of one (1) urn shall be eighteen (18) inches square and thirty-six (36) inches deep).

2. Gravesites for interment of one casket and more than one urn shall be ten (10) feet long, five (5) feet wide, and six (6) feet deep.

3. Plots may be used for interment of up to four urns, or alternatively a casket and up to three urns, provided that the casket is buried prior to the placement of one or more urns.

3. No interment, inurnment or entombment shall occur within Pershing County cemeteries unless the human remains are placed in a closed container, of steel, concrete, fiberglass, copper, bronze or other vault commonly used in the industry prior to placement in a gravesite. (Passed 2016, Ord. No. 321).

13.40.090 INTERMENTS AND DISINTERMENTS; PERMIT REQUIRED:

1. No interment or disinterment shall occur without notice to the cemetery administrator and his or her receipt of the burial or disinterment permit, as the case may be. (Passed 2016, Ord. No. 321).

13.40.100 INTERMENTS NOT TO BE MADE ON CERTAIN HOLIDAYS:

1. No interment, without prior notice to the Pershing County Cemetery Advisory Board, shall be made on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day, except for reason of health emergency upon written order of the Pershing County Board of Commissioners. (Passed 2016, Ord. No. 321).

13.40.110 MAINTAINENCE:

1. Maintenance of the County cemeteries shall be carried out by the County buildings and grounds supervisor or such other agent as designated by the Pershing County Board of Commissioners. Such agent shall supervise the placement of all improvements including trees, shrubs, roadways, borders and other such improvement as contemplated under the rules and regulations as adopted by the County and no one shall dig, locate or otherwise carry out any change of any grave without the specific consent of the Board of Commissioners. (Passed 2016, Ord. No.321)

13.40.120: COUNTY MUST DIRECT AND MAY REMOVE IMPROVEMENTS:

1. All improvements or alterations to Pershing County cemeteries shall be under the direction of and subject to the consent, satisfaction and approval of the Pershing County Board of Commissioners. Should improvements or alterations be made without prior approval of the Board, the County may remove, alter or change such improvements or alterations at the expense of the plot holder.

2. The planting of vegetation, trees, shrubs or grass is prohibited, without prior approval of the Board.

13.40.130: INJURY TO CEMETERY PROPERTY:

1. It is unlawful for any person to injure or deface, or cause to be injured or defaced, any headstone, tombstone, marker, monument, tree, shrub, or any other property in the Pershing County cemeteries. (Passed 2016, Ord. No. 321).

13.40.140: ANIMALS IN CEMETERY:

1. It is unlawful for any person to bring into or upon the grounds of the Pershing County cemeteries any dog, cat or other animal, or for the owner of any such dog, cat or other animal, which may have entered the cemetery grounds in any way whatever, to allow the same to remain if its presence therein is known to the owner; provided, however, that if such dog, cat or other animal enters upon the cemetery grounds with its owner or any other person in a motor vehicle or other enclosed means of transportation and is securely leashed in such vehicle or other means of transportation so as not to permit its escape therefrom, it shall be allowed to remain upon the cemetery grounds while so leashed in such vehicle or other means of transportation while its owner or other person whom it accompanied remains at such cemetery. (Passed 2016, Ord. No. 321).

2. The provisions of subsection one (13.40.140(1)) shall not apply to service animals.


13.40.150: VIOLATION DEEMED MISDEMEANOR:

Violation of any provision of this chapter shall be deemed a misdemeanor. (Passed 2016, Ord. No. 321).


PROPOSED on the 3rd day of February, 2016.

PROPOSED by Commissioner Carol Shank

PASSED on the 6th day of April, 2016.


Darin Bloyed, Chairperson
BOARD OF PERSHING COUNTY
COMMISSIONERS

ATTEST:


Pershing County Clerk