

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; EXCLUDING CERTAIN HOLIDAYS FROM INTERMENTS AND DISINTERMENTS; 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 cremated 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 plots 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.

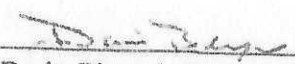
13.40.150: VIOLATION DEEMED MISDEMEANOR:

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