

RESOLUTION NO. 21-11

A Resolution of the City Council of the City of Whitefish, Montana, adopting the Whitefish City Cemetery Policy and Procedures.

WHEREAS, the City of Whitefish operates the Whitefish City Cemetery for the use and benefit of the public as a place of burial and reflections; and

WHEREAS, the City has prepared policies and procedures governing the Whitefish City Cemetery to regulate activities in the cemetery; and

WHEREAS, City staff and the City Council have reviewed the current Whitefish City Cemetery Policy and Procedures.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: That the Whitefish City Cemetery Policy and Procedures attached hereto as Exhibit "A," and incorporated herein by reference, is hereby adopted and approved.

Section 2: This Resolution shall take effect immediately upon its adoption by the City Council and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 5TH DAY OF APRIL 2021.

/s/John Muhlfeld
John M. Muhlfeld, Mayor

ATTEST:

/s/Michelle Howke
Michelle Howke, City Clerk

CITY OF WHITEFISH
CEMETERY POLICIES AND PROCEDURES

These regulations adopted by Whitefish City Council on April 5, 2021 regulate the use of the Whitefish Cemetery by the public. These regulations may be amended or superseded by new rules and regulations adopted by the City Council. All lot purchasers and persons using the cemetery shall comply with these regulations and any amendments thereto or subsequent rules and regulations.

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

LOT OWNERSHIP AND PRIVILEGE

1. Nature and Extent of Rights Acquired: Upon payment of the purchase price of a space, the purchaser acquires the rights of burial in said space, subject to the policies and procedures of the cemetery.

The City retains title to the cemetery property. A burial certificate will be issued to each purchaser after fees are paid in full.

2. Descent and Inheritance of Burial Rights: Burials by or of heirs, after the original parties named on burial certificates are deceased, requires the permission of living heirs, in writing.

City of Whitefish shall, in no way, be held responsible for failure to properly determine the legal successor ship of the said space owner.

The heirs are entitled to the same use of the space as the original owners and are bound by the same policies and procedures.

3. Transfer of Burial Rights: Owners of burial certificates may transfer their burial rights to other parties. Record of the transfer shall be provided in writing to the City Clerk. The files located in the City Clerk's office are to be considered the correct record. Any discrepancy between the City Clerk's files and the certificate of burial rights will be considered a clerical error. The City reserves the right to recall, correct and reissue certificates.

4. Re-Sale/Re-Purchase: Only the City of Whitefish may re-purchase any unused grave, or columbarium niche that the original owner wishes to sell. Third party sales are prohibited. The City of Whitefish shall repurchase the unused location for the original purchase price. For re-purchase, the City of Whitefish shall require the following information be presented as evidence of ownership to the City.

a. Original Ownership/Assignment Documents. The original document of ownership or title evidencing the ownership of the said location issued at the time of sale must accompany the written, notarized request for the following:

- Written grave assignment(s) which are required to be on file in the City Clerk’s Office.
 - Original “Deed” or “Bill of Sale” document from the original purchaser of the grave(s) or columbarium niche noting location.
 - Heirs must have legal grave assignment documents showing that heirs have a legal right to the “right to inter” in the grave(s), or columbarium niche.
- b. Will/estate. Heirs must be identified recipients called out in a will or estate by a legal document in writing that states the grave assignment(s) to heirs, including the following legal documentation:
- Original burial certificate document and/or a conveyance of assignment.
 - Grave location.
 - Legal document showing grave assignment(s) in the will or estate for heirs to use.
 - If there are no legal documents showing grave assignments, the grave(s) must remain unused indefinitely.

ORNAMENTATION & BEAUTIFICATION

All decorations must be contained within the headstone collar; those that are not will be removed. City is not responsible for broken, damaged, or stolen materials.

1. Planting of flowers, trees, and shrubs: Prior to planting flowers, trees or shrubs in the cemetery written permission must be obtained from the City. The City has the right to deny any request for planting flowers, trees, and shrubs.
2. Planting Vegetation: Planting of any vegetation in the cemetery without permission from the City is prohibited. Flowerbeds are not allowed in any part of the cemetery, except for those designated by the City for the benefit of the entire community. Objects used in planting, including but not limited to water cans, flower holders and garden utensils, are the responsibility of the owner to remove from the cemetery and may not be left on the cemetery grounds.
3. Removal of flowers, trees, and shrubs: No person other than cemetery or City staff may remove or prune trees or shrubs within the cemetery grounds unless otherwise permitted or remove or damage any other type of foliage on the cemetery grounds, whether the foliage is wild or cultivated.
4. Ornamentation: Planter boxes, toys, flags, pinwheels, balloons, shells, solar lights and/or decorations which are placed on or around graves or lots that are deemed by the City to be hazardous or to create a maintenance problem will be subject to removal by City staff or grounds crew without notice.
5. Prohibited Material: Glass of any kind including vases, ceramic statues, terracotta pots, and other breakable decorations.
6. Hanging Objects: Hanging objects from trees in the cemetery is prohibited.

7. Fences and Edging: No fence, railing, topping, brick edging, or hedge may be placed beside or around any burial space, except for sections designated by the City.

8. Architectural Structures: No vases, seats, benches, rock works, or other architectural structures may be installed in the cemetery without the written permission of the City Clerk and/or groundskeeper.

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

10. Shepherd Hooks and wrought iron arbors: Shepherds hooks must be mounted within the concrete collar of the marker and the curve of the hook must curve in and hang over the memorial. Wrought iron arbors must be contained within the memorial collar and still provide the required 6" mowing strip. No shepherds hooks or wrought iron arbors are allowed in Sections G, or the "Baby" lots of Section D.

11. Artificial Flowers:

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

a. Any artificial flowers or decorations left in the cemetery may be removed at any time without notice by cemetery staff when the flowers or decorations become unsightly, or a maintenance problem as determined by the Cemetery groundskeeper.

b. Memorial Day: The artificial flowers must be removed within seven (7) days after the official Memorial Day holiday.

c. Exceptions:

- Artificial flowers may be placed on grave sites at the time of interment but must be removed within 14 days after the interment.
- Seasonal flowers may be placed on grave sites at the time of interment but must be removed within 14 days after the interment.
- Thanksgiving, Christmas, and Easter decorations must be removed when they become unsightly or no longer match the season.
- Artificial flowers may be placed on grave sites on the anniversary of death or date of the person interred. The decorations must be removed within seven (7) days of the date of the anniversary.

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

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

MEMORIALS & MONUMENTS

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

2. Type of Memorial/Monument: Memorials may be either upright or flush in sections A, B, C, E and F of the cemetery. Memorials in section D require permission for upright or flush by the City Clerk and/or groundskeeper. Memorials in section G and the "Baby" section of D require all flush markers. All memorials in the cremation and Veteran sections must be mounted flush to the ground. Flush memorials will be the only allowable marker for the burial of ashes on an existing grave. No memorials are allowed that are made of wood, concrete, plastic, porcelain, non-durable materials or are homemade. All memorials must be approved by the City Clerk and/or groundskeeper.

3. Columbarium Niche: All niches shall be uniform in engraving and color.

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

a. The width of a single lot memorial, including the foundation, may not exceed fifty inches (50") including the 6" mowing strip.

b. The depth of a memorial may not exceed twenty-four inches (24") including the 6" mowing strip.

c. Double lot memorials will be allowed on two adjacent lots. Dimensions will need to be pre-approved by the City Clerk and/or groundskeeper.

d. The height of memorials may not exceed forty-eight inches (48") without prior approval from the City Clerk and/or groundskeeper.

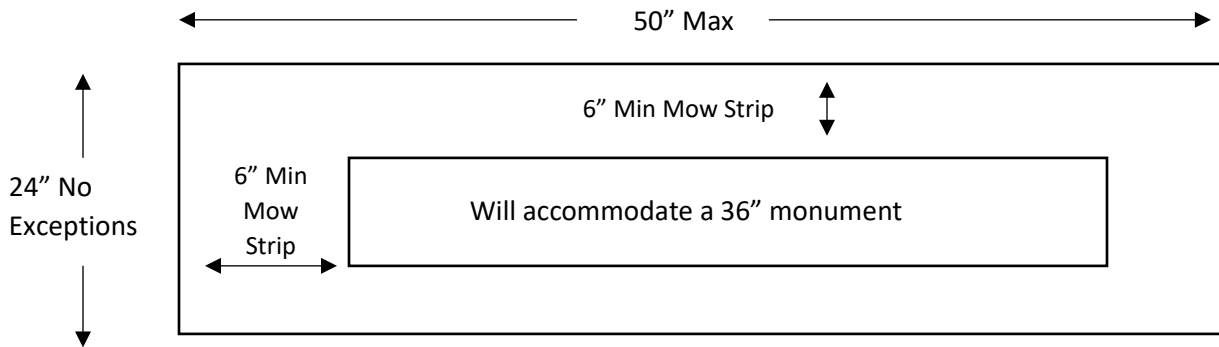
e. No garden paving or patio type block is allowed as an extension of the memorials' collar.

f. Foundations made of concrete must have reinforcement within concrete and be a minimum of 4" in thickness. Both granite and concrete collars must extend a minimum of 6" on all sides of memorial (including vase or other décor).

g. A bench may be used as a grave monument; however, park benches are not allowed. All bench requests must comply with monument guidelines and require pre-approval by the

City Clerk and/or groundskeeper. A drawing is required that shows the bench design; layout on the foundation and must include all measurements for the bench and foundation.

24" by 50" foundation accommodates a 36" monument on a grave



5. Restrictions: The City shall have authorization to review, approve, or reject any monuments placed or presented for placement on the Whitefish City Cemetery grounds that do not meet the integrity of the Whitefish City Cemetery.
 - a. Sections of the Whitefish City Cemetery grounds may be designated and reserved by the City for designation of specific types of monuments.
 - b. Monuments must be placed centered on the grave(s). The monuments must be located on the grave of the decedent as named on the monument with the exception of memorials.
6. Nonconforming Memorials: The City is not responsible for damage to any nonconforming memorials or decorations.
7. Memorial/Monuments Installation:
 - a. All memorials and monuments must have a granite or concrete foundation.
 - b. No memorial/monument may be placed without prior approval of the City Clerk and/or groundskeeper, and confirmation of the exact plot location.
 - c. All memorial/monuments must be set by a monument company approved by the City. No monument work is permitted in the cemetery on weekends or holidays or after 3:30 p.m., or the day before Memorial Day, unless prior appointment or approval has been granted by the Cemetery groundskeeper.
 - d. Memorials will be allowed at the head of the single grave or double lot. Foot markers must be placed flush with the ground at the opposite end of the grave as the memorial.
 - e. Cremation memorials will be allowed on an existing grave and must be mounted flush with the ground in line with existing head markers.

8. Removal/Moving of Memorials/Monuments:
 - a. Memorials/Monuments already installed that impede the opening or closing of a grave will be moved by the cemetery staff at the expense of the owner of the memorial or the surviving family members if the owner is deceased.
 - b. Memorials/Monuments that become damaged or are a hazard to patrons of the cemetery or cemetery personnel may be either repaired or removed. The owner of the memorial or the owner's surviving family shall be responsible for the cost of the repair or removal if the work is performed by City personnel.
 - c. Memorials/Monuments placed in violation of these regulations or which interfere must be removed. If a marker has to be removed by the City, the cost of the removal will be assessed against the company illegally placing the memorial or legal lot owner.
9. Temporary Markers:
 - a. One temporary memorial may be placed on the grave site for a maximum of one (1) year pending the installation of a permanent memorial/monument.
 - b. The temporary memorial must be removed at the time the permanent marker/monument is installed.
 - c. Temporary memorials will not be replaced or repaired by the City if damaged or destroyed by routine maintenance.
 - d. Temporary memorials must meet the cemetery or funeral industry standards and cannot be made of wood, concrete, plastic, porcelain, non-durable materials; or homemade. All temporary memorials must be inspected through the City Clerk and/or groundskeeper.
10. Cleaning and Repair: Maintenance and cleaning of a memorial/monument is the responsibility of the lot owner and not the responsibility of the City of Whitefish.

INTERMENT/INURNMENT

1. Notice: Two (2) working days' notice must be given to the cemetery and confirmation received from the City Clerk for the opening and closing of a grave. Notice must be given during regular business hours of the City and may not be left on the answering machine or other electronic devices.
2. Grave Opening: Grave openings and closing may only be done by employees of the City.
3. Disinterment: No disinterment shall take place without presenting the property units as required by the state of Montana and arrangements for the disinterment made with the cemetery at least one week prior to the disinterment.
 - a. Damage during Disinterment: The City will not assume any responsibility for damages to cremation containers or caskets during disinterment and reburial. The party requesting

the disinterment shall accept the responsibility for any damages and any costs relating to those damages.

4. Multiple Burials:

a. Lawn-crypts are not allowed.

b. Burial in a full-size lot is limited to:

- One casketed burial (deepest) and four inurnments that are placed in cremation urns: or
- Four (4) cremated remains in urns.
- Disinterment of cremated remains is prohibited if placed prior to full burial.

c. Burial in a Cremation lot/Columbarium Niche

- One inurnment will be allowed in a cremation lot.
- Two inurnments are allowed in the above ground Columbarium niche units

5. Scattering Cremated Remains: The scattering of cremated remains is not allowed on cemetery grounds.

CONDUCT IN THE CEMETERY

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

2. Animals:

a. No person shall hunt or disturb any animal life on cemetery grounds. This prohibition shall not apply to wildlife management personnel or animal control officers while performing their official duties.

b. Pets shall be restrained and under the strict control of some person in charge of such pet by means of a rope, strap, chain, or leash, securely fastened to such pet, and held by such person in charge. Such person shall remove any feces deposited by such pet.

c. Service Animals are allowed

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

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

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

6. Tents: Tents are allowed during ceremonial services only. Tents shall be no larger than 10' x 10' and shall not be staked into cemetery grounds and shall be removed immediately after the ceremonial service.

ENFORCEMENT

1. Authority: The City Clerk and/or groundskeeper has the authority to enforce these regulations and to remove any property in the cemetery in violation of these regulations or to exclude from the ground any person violating these rules.

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

CORRECTION OF ERRORS

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

THESE REGULATIONS ARE SUBJECT TO CHANGE

It is the responsibility of the lot owners to know the rules and regulations. It would be prudent for any person to contact the City of Whitefish before any augmentation of a burial site is considered.