

**ORDINANCE NO. 2770**

**AN ORDINANCE PROVIDING RULES AND REGULATIONS FOR THE SALE, MAINTENANCE AND CARE OF CEMETERY GRAVES; PROVIDING FOR THE MANAGEMENT, CONDUCT AND OPERATION OF THE MOUNT HOPE CEMETERY; PROVIDING FOR PERPETUAL CARE FUND; REPEALING ORDINANCES NO. 2052, 2341, AND 2422; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.**

BE IT ORDAINED BY THE CITY OF BAKER, OREGON:

SECTION 1. Ordinances No. 2052, 2341 and 2422 are hereby repealed.

SECTION 2. The property heretofore, now or hereafter set apart within the city for cemetery purposes and to be operated and managed by the city, is hereby designated Mount Hope Cemetery (hereinafter referred to as cemetery.)

SECTION 3. Except as provided in this ordinance, the rules and regulations relating to the use, operation, and care of the cemetery shall be adopted by the city council by resolution. Such rules and regulations as are adopted by resolution and as are contained in this ordinance or any amendment thereto may, from time to time, be copied and provided for general distribution, without cost, to persons interested in the cemetery.

SECTION 4. Any person desiring to purchase a grave or graves in the cemetery shall pay to the city recorder an amount as established by the city council by resolution. The city recorder shall forward information detailing the location of the grave or graves to the cemetery superintendent, who shall record and file detail information in the cemetery records system. The city recorder shall file a receipt and shall make and deliver to the purchaser a deed from the city for the described grave or graves. The cemetery superintendent shall make note of each sale upon a plat of the cemetery kept in his office and the city recorder shall keep a record of each deed in a book kept for that purpose.

SECTION 5. Title to all cemetery graves sold shall be evidenced by a certificate in substantially the following form:

STUB Certificate of Purchase NO.

- Issued to
- Date
- Price
- Section
- Block
- Lot
- Grave

City Recorder, City of Baker, Oregon

CERTIFICATE OF PURCHASE NO.

This Indenture Witnesseth, that the city of Baker, a public corporation in the county of Baker, State of Oregon, for and in consideration of \_\_\_\_\_ Dollars to the City Recorder of the City of Baker, in hand paid, has bargained and sold and by these presents does bargain, sell and convey unto \_\_\_\_\_, Lot No. \_\_\_\_\_ in Block No. \_\_\_\_\_ in Section \_\_\_\_\_ in Mt. Hope Cemetery, in the county of Baker, as shown and designated on the maps and plats of said Mt. Hope Cemetery now on file in the office of the city recorder of the city of Baker.

This conveyance is given under and by authority of the ordinances \_\_\_\_\_, of said city of Baker and is accepted by the said grantee with the full understanding and agreement that it is to be subject to all of the provisions of these ordinances and all the rules and regulations now in force or that may be enacted for the proper government, control and care of said cemetery by the said city of Baker or its duly appointed agents or officers.

The above named grantee, his or her heirs, successors, or assigns hereby agrees to abide and be governed and bound by the regulations of Mt. Hope Cemetery as heretofore or hereafter provided and adopted by the city of Baker.

In Witness Whereof, the city recorder of the city of Baker, under and by virtue of the power and authority vested in him by said ordinances has signed his name as recorder and affixed the seal of the said city of Baker, this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_.

City of Baker, Oregon

By \_\_\_\_\_

City Recorder of City of Baker

Perpetual Care \_\_\_\_\_ provided.

Section 6.

(1) The fund to be held forever in trust by the city which is designated as the Mount Hope Cemetery Trust Fund (hereinafter referred to as trust fund) is hereby continued and required to be held forever in trust by the city.

(2) Any person owning a grave or graves shall contribute to the trust fund such amount as may be required by the city council by resolution for perpetual care. Such sums when paid to the city recorder shall be held in trust forever for the uses and purposes of the fund as specified in this ordinance.

(3) Persons arranging for perpetual care shall, after paying the required amount, receive from the city a perpetual care agreement, duly executed, in substantially the following form:

\$ \_\_\_\_\_

NO. \_\_\_\_\_

PERPETUAL CARE AGREEMENT

This agreement, made on this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, between the city of Baker, a municipal corporation, party of the first part, and \_\_\_\_\_, party of the second part, Witnesseth:

That the said party of the first part, in consideration of the sum of \_\_\_\_\_ Dollars, lawful money, to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, hereby undertakes and agrees to cause that certain grave or graves situated in Mt. Hope Cemetery, in Baker County, State of Oregon, described as follows, towit:

\_\_\_\_\_ from this date forward for all time to be properly cared for and kept in a neat and trim condition and a lawn to be maintained thereon, without further expense or charge to the party of the second part, and in accordance with the regulations of said Mt. Hope

Cemetery duly adopted.

Provided further, that the party of the first part does not undertake or agree to make any repairs on any monument, headstone, pavement, vault, or other structure, decoration or improvement of like nature, that is now or may hereafter be placed on said grave but the party of the second part, shall at the request of the party of the first part, make all needed repairs thereto at \_\_\_\_\_ own expense. All decorative and monumental work placed on said grave to be at all times in accordance with and subservient to the ordinances, resolutions and regulations, of the said city of Baker, now or hereafter adopted and in force.

In witness whereof, the said city of Baker has caused these presents to be executed in its name by its mayor and its corporate seal to be hereunto affixed and attested by its city clerk, on this, the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_\_.

City of Baker

By \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Recorder

#### SECTION 7.

(1) The city hereby obligates and binds itself to safely keep any money donated to or collected for the trust fund; to properly invest the same so as to bring the largest amount of income which can safely be realized thereon; to expend the income for the care, maintenance and beautification of the graves in the care of such fund; and to see that the cemetery superintendent properly cares for, maintains, and beautifies such graves as far as the income from said fund will justify or permit.

(2) It is required that 40 percent of all funds received incident to charges made for placing all graves or fractions thereof in the cemetery under perpetual care, in any part of the cemetery, whether endowed or unendowed, must be deposited in the trust fund and the remaining 60 per cent of such proceeds shall be deposited to the credit of the cemetery account of the city. The cemetery account of the city shall be maintained as a part of the general fund of the city.

SECTION 8. The obligations to be assumed by the city of Baker under the provisions of this ordinance are declared to be the following: to irrigate the graves, to keep the graves thereon green and neatly mowed, to trim and prune the flowers and shrubbery

permitted to grow on said graves under the terms of this ordinance, and to fill in and generally level such graves as may sink in or cave in; but the city of Baker shall not be held, out of the revenue as derived from the trust fund, or otherwise, to dig any graves, or erect any head or foot stones or monuments, nor repair any fences or other enclosures, nor any flowers or shrubbery which shall die or become killed through no fault of said trustee, nor repair any headstone, or footstone, or monument, or other structure erected on such grave or graves; except that the city shall provide for the inspection and acceptance of foundation work to any headstone, footstone, or monument, and when so accepted, said headstone, footstone or monument shall be kept reasonably plumb. The city recorder shall keep a separate and special book which shall be well bound and properly indexed, in which he shall, upon application of a holder of a receipt which shall be issued by the recorder upon the payment of money into the trust fund as provided, record the description of such grave or graves thereof as are entitled to perpetual care under the provisions of this ordinance.

SECTION 9. Markers. The installation of upright monuments is hereby prohibited in the cemetery without the prior approval of the City Manager. Each grave in the Mt. Hope Cemetery shall be entitled to one flat marker. Flat double markers are authorized on two or more graves adjacent and parallel to each other.

SECTION 10. Burial Vaults.

(1) All burials hereafter made within the Mt. Hope Cemetery must be made in vaults or concrete liners. Burial vaults may be constructed of steel, concrete, or other material approved by the City Manager. Any burials in any manner other than provided for herein are hereby prohibited.

(2) The City of Baker is hereby authorized to keep in stock and to sell concrete liners at such prices as are determined by resolution of the city council.

SECTION 11. All sales of cemetery graves and all cemetery perpetual care agreements heretofore made by the city are hereby ratified and made subject to the provisions of this ordinance in lieu of Ordinance No. 2052 or 2422.

SECTION 12. Any person violating the provisions of this ordinance, or the regulations adopted under this ordinance, shall upon conviction be punished by imprisonment for not more than 20 days or by a fine not to exceed \$50.00 or both.

SECTION 13. It is hereby determined and found that it is in the best interests and welfare of the people of the city of Baker that the rules and regulations relating to Mount Hope Cemetery be clarified. By virtue of the foregoing reason, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon and

after its passage by the city council and approval by the mayor of the city of Baker, Oregon.

Read for the first time in full this 27th day of April, 1978.

Read for the second time by title only this 27th day of April, 1978, upon the unanimous vote of all the members of the council present, after the text of the ordinance was offered to the members of the council and for the use during the meeting of the press and public attending.

Read for the third time by title only this 9th day of May, 1978, upon the unanimous vote of all the members of the council present, after the text of the ordinance was offered to the members of the council and for the use during the meeting of the press and public attending.

PASSED by the City Council and APPROVED by the Mayor of the City of Baker, Oregon, this 9th day of May, 1978.