

**ORDINANCE NO. 2075**  
**AN ORDINANCE AMENDING IN PART THE CENTRAL POINT MUNICIPAL CODE  
RENAMING TITLE 4 PARKS AND ADDING CHAPTER 4.01 CENTRAL POINT  
CEMETERY**

**RECITALS:**

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time revise its municipal code which shall become part of the overall document and citation.
- B. The Central Point Cemetery is an historic cemetery dating back to 1868.
- C. The Cemetery continues to be used as an operating cemetery.
- D. The Cemetery has suffered from long-term neglect, but with proper maintenance could provide a public benefit, including community history and education opportunities, community art, volunteer opportunities, open space, and Veterans Day and/or Memorial Day celebrations.
- E. The Council adopted a Resolution of Intent on September 10, 2020 to consider transfer of ownership of the Central Point Cemetery and to authorize the City Manager to take those steps necessary to pursue such transfer.
- F. The Council has directed staff to prepare an Ordinance allowing for the ownership, operation and management of the Central Point Cemetery which is a prerequisite for the City taking ownership of same.

**THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:**

**SECTION 1.** The Central Point Municipal Code is amended to rename Title 4 (reserved) to PARKS

**TITLE 4 (RESERVED) PARKS**

**SECTION 2.** Chapter 4.01 Central Point Cemetery as set forth below and incorporated herein by reference.

**TITLE 4 PARKS**

## CHAPTER 4.01 CENTRAL POINT CEMETERY

### 4.01.010 Purpose.

The city council has determined that it is necessary to adopt regulations in order to ensure the efficient operation, protection, and maintenance of the Central Point Cemetery. This chapter shall be liberally construed to effectuate this purpose.

### 4.01.020 Definitions

“Burial” means the placement of human remains in a grave.

“Cemetery” means a place dedicated to and used, or intended to be used, for a permanent memorial of the permanent interment of human remains.

“Cemetery Authority” means an entity that owns and controls cemetery lands or property, including but not limited to a cemetery corporation or association.

“Cremation” means the technical process using direct flame and heat that reduces human remains to bone fragment.

“Disinterment” means to remove human remains from the place of interment.

“Grave” means a space of ground in a burial park used, or intended to be used, for burial of the remains of one person.

“Historic Cemetery” means any burial place in Oregon that contains the remains of one or more persons who died before February 14, 1909.

“Human remains” or “remains” means the body of a deceased person in any stage of decomposition or after cremation.

“Internment” means the disposition of human remains by inurnment, entombment, or burial.

“Lot,” “plot” or “burial space” means space in a cemetery owned by one or more individuals, an association or fraternal or other organization, and used, or intended to be used, for the permanent interment therein of the remains or one or more deceased persons.

“Plot owner” or “owner” means any person identified in the records of the cemetery authority as owner of the burial rights to a burial plot, or who holds a certificate of ownership conveyed from the cemetery authority of the burial rights in a particular lot, plot, or space.

### 4.01.030 Central Point Cemetery.

The City of Central Point is the cemetery authority and as such is the sole owner of the property and operator of the cemetery facility.

#### **4.01.040 Cemetery Manager.**

The Cemetery Manager shall be appointed by the City Manager or his or her representative and shall have day-to-day management and maintenance authority over the cemetery and shall act as cemetery sexton. The cemetery manager shall be responsible for the administration of this Chapter and any applicable rules, regulations or policies adopted by the City Council.

#### **4.01.050 Historic Cemetery**

The Central Point Cemetery is declared to be a historic cemetery as listed in the Oregon Historic Cemeteries Program under the control and management of the City of Central Point.

#### **4.01.060 Use of the Cemetery.**

The Central Point Cemetery shall be used for the burial of human remains or ashes only. The burial of nonhuman remains is prohibited and nonhuman remains may be removed by the city.

#### **4.01.070 Rules, Regulations, and Management Plan.**

A. Except as provided in this chapter, the rules, regulations, and the management plan relating to the use, operation and care of the cemetery shall be adopted by the City Council by resolution.

B. The Central Point Parks and Recreation Commission shall be an advisory body making recommendations to the City Council regarding the operations and rules and regulations of the Central Point Cemetery.

C. Cemetery rules and regulations will be posted at the cemetery and made available to the public in printed and electronic forms.

#### **4.01.080 Fees.**

Fees for burial plot permits, monument and marker permits and other services provided by the city shall be set by Council resolution.

#### **4.01.090 Permanent Records.**

A. For each burial plot, where information is available, the City shall keep a record showing at a minimum:

1. The name of the deceased.
2. Birth and Death date
3. Date of the burial or disinterment.
4. Lot number in which burial or disinterment is made.
5. Number of interment permit, if available.

B. The City shall keep a current, updated map of the cemetery showing all lots, graves, and those interred at said lots and graves where information is available.

C. All cemetery records will be maintained by the Cemetery Manager and held by the City Recorder.

#### **4.01.100 Sales of Burial Plots & Preexisting Burial Contracts**

Only preexisting contracts for burial plots sold prior to City ownership will be honored by the City. Proof of ownership of each plot is required and the responsibility of the plot owner(s). If proof of ownership is not available an affidavit may be submitted as proof of ownership as provided in the Rules adopted by the City.

#### **4.01.110 Reselling Lots Prohibited**

A. No cemetery lot sold prior to City ownership of the cemetery shall be assigned or transferred by the purchaser to anyone except to the City, who may accept such assignment or transfer at its sole discretion.

#### **4.01.120 Authorization to Inter Remains**

The Cemetery Director may inter remains of a decedent without liability therefore upon receipt of a certificate of death signed by a registrar authorized by the Department of Health of the State of Oregon, or from an official duly authorized by another state or foreign country to authorize burial of human remains, and either:

A. Receipt of a written authorization from the following persons in the following order of preference:

1. The decedent, in the decedent's lifetime or from the decedent's papers after death,
2. The surviving spouse,
3. A surviving child or adopted child over the age of 18 years,
4. A surviving parent or adoptive parent,
5. A next of kin, or
6. Any other person who has acquired the right to control disposition of the remains;  
or

B. Instructions from a mortician or funeral director licensed by the State of Oregon or by another state or a foreign country.

#### **4.01.130 Burial and Disinterment Permits**

A. A permit is required for any burial or disinterment. The burial or disinterment permit application must include the following information:

1. Name of the decedent,
2. Metal ID tag number,
3. Date and place of death,

4. Name of person authorizing final disposition,
5. Exact location of grave,
6. Name of the funeral establishment responsible for executing arrangements,
7. Date of interment, and
8. Interment authorization.

B. An application for disinterment permit must provide evidence that the human remains will be properly disposed of and that the applicant has authority to take the action. Representatives of the city and of a funeral home must be present at the disinterment.

C. A permit is required to move a body from on location in the cemetery to another. When bodies are brought from other cemeteries, City of Central Point ordinances and cemetery rules shall apply.

#### **4.01.140 Preparation of Burial plots.**

A. Once a burial permit is received by the City, the Cemetery Director shall locate burial or disinterment plot(s).

B. Preparation of burial plots or disinterment is the responsibility of the plot owner and/or the funeral establishment.

C. The Cemetery Manager must be present when graves are opened and closed in the cemetery.

#### **4.01.150 Monuments and Marker Permits.**

A. Monuments and marker shall comply with the Central Point Cemetery Management Plan.

B. A city monument and marker permit is required to place monuments or markers in the cemetery. The permit application shall state the dimensions of the monument or marker and the lot where the monument or marker is to be placed.

C. The Cemetery Manager shall supervise the setting of all markers, stones, or monuments.

D. The City reserves the right to remove any markers, stones, monuments, or decoration placed in violation of this section.

#### **4.01.160 Repairing Structures Consent Required**

No repairs to any cemetery structures, monuments, or markers shall be permitted without approval and written consent by the Cemetery Director. Repairs must be done in accordance with the Central Point Cemetery Rules and Regulations and the Central Point Cemetery Management Plan if applicable.

#### **4.01.170 Property destruction prohibited; exemption.**

A. It is unlawful for any person to destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone or other structure or to remove, damage or destroy any tree, shrub, plant or flowers, frames, pots or other receptacles placed in or about the cemetery. This shall not apply to the owners of a plot, or their heirs, with reference to the removal of any monument, structure, or vegetation within the plot.

B. It shall be unlawful to hunt in or discharge any firearms within the boundaries of the cemetery.

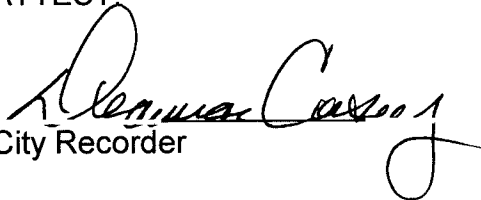
**SECTION 3.** Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e., Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

**SECTION 4.** Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

**PASSED** by the Council and signed by me in authentication of its passage this 22 day of April, 2021.

  
Mayor Hank Williams

ATTEST:

  
City Recorder