



CITY OF BLACK DIAMOND

24301 Roberts Drive
PO Box 599
Black Diamond, WA 98010

Phone: (360) 851-4446
Fax: (360) 851-4501
www.ci.blackdiamond.wa.us

MEMORANDUM

This Memo is to establish bylaws at 24431 Morgan Street on parcel 142106-9095 for the Black Diamond cemetery.

WHEREAS, the Mayor has the administrative authority to manage and set reasonable rules for the operation, maintenance and protection of the City's cemetery; and

WHEREAS, the Cemetery board has reviewed and recommended the attached cemetery bylaws be implemented by the City;

NOW THEREFORE, these bylaws shall by this administrative decision be in full force and effect.

X 

Carol Benson
Mayor

City of Black Diamond Cemetery By-Laws

DEFINITIONS

Lot	A group of plots as laid out on the official map of the cemetery.
Plot	A piece of property as laid out on the official map of the cemetery for a single casket burial.
Grave Marker	Some type of surface reference marker, that is flush with the ground surface, made of some type of permanent material, identifying who was buried in the plot.
Monuments or Headstone	A surface reference marker that stands upright identifying who was buried in the plot.

LOTS SUBJECT TO POLICIES AND PROCEDURES

All lots and plots in the Black Diamond Cemetery are conveyed to the purchaser after final payment and the rights and benefits of the lots and plots are held first order by the purchaser, second by the intended recipient and third by next of kin or closest family. The rights of the purchaser, recipient or family are subject to such policies and procedures as are to be made from time to time by the City Council or the duly designated body acting on its behalf.

POLICIES AND PROCEDURES – PURPOSE AMENDMENTS

The policies and procedures contained in this section are made for the benefit of the lot owners and are designated to describe their rights and responsibilities for the benefit of all. These policies and procedures may limit actions which would interfere with the rights and enjoyment of others, as well as require or encourage actions to preserve and enhance the general scheme and beauty of the property. No policy has been adopted except as is necessary to preserve the rights of all for whom the City considers itself the trustee.

These policies and procedures may be changed or amended without notice at any time by the City Council, and will be so changed and amended when any rule is found to be detrimental to the best interests of the lot owners as a whole or when new conditions require the adoption of other or further policies.

Copies may be obtained upon request to the office of the City Clerk.

CEMETERY MAINTENANCE

All lots sold in Black Diamond Cemetery will receive maintenance as provided for by the city council in the annual budget. Maintenance typically has included, normal grounds maintenance including ground leveling, debris and garbage pick-up, maintenance shed repairs, irrigation water service line maintenance, perimeter fence maintenance, mowing, trimming, seeding, leveling/stabilizing grave markers and to a limited extent weed spraying.

Grounds maintenance does not cover repair or replacement of grave markers, repair and replacement of monumental structures, fertilizing, irrigating, border repair, or flower vases.

GRADE

The grade of all lots is established by cemetery staff. Plot owners are not allowed to re-grade any portion of the cemetery.

RIGHTS ATTACHING TO LOTS

All Plots with the Black Diamond Cemetery will be sold for burial purposes only.

FEES AND CHARGES

The fees for casket burial, headstone placement, deposits, tent setup, placement of cremated remains, placement of remains in a niche, disinterment, placing a vault, oversized headstone placement, extra charges for Saturday services and other services as may be needed shall be established by resolution of the City Council. Additional fees may be charged by the City for special services requested by the family or necessary because of special circumstances.

BURIAL STANDARDS

- All graves shall be opened and closed for burial and placement of cremated remains by City of Black Diamond staff only.
- Graveside services must be scheduled and arranged with City of Black Diamond staff.
- The outside dimensions of all caskets must have maximum dimensions of 24 inches tall, 84 inches long and 29 inches wide including handles.
- All full body burials must be delivered to the cemetery in a properly sized casket along with a burial permit. No interment will be permitted without the proper burial permit as required by the health authorities. The City shall not be responsible for securing a burial permit.
- All caskets must be placed in a concrete liner provided by the City of Black Diamond.

- A vault may be used in place of a concrete liner for an additional charge. Vault specifications shall be reviewed with the Black Diamond cemetery staff and approved for use prior to a burial scheduling. Vaults must be purchased from a supplier and delivered to the City cemetery 2 working days prior to scheduled burial.
- Only one casket burial will be allowed per plot.
- Cremated remains must be properly labeled and accompanied by acceptable documentation to certify identity of the cremated remains.
- On a plot where there is an existing casket burial two cremation sites will be allowed. On a plot where there is no casket buried, three cremation sites will be allowed. At each cremation site a maximum of two remains under one headstone will be allowed, which would allow up to 6 cremation placements in a plot
- Only human bodies and remains may be buried in the Black Diamond cemetery. The placement of pet remains will not be allowed.

MARKER STANDARDS

The City cemetery staff will place all headstones and temporary markers. The City shall collect a surety deposit to guarantee that a permanent grave marker is delivered to the City to mark a grave. If the family or friends have not delivered a grave marker to the City within one year the City will use the funds on deposit to mark the grave. All grave markers and headstones shall be placed flush with the ground surface.

FUNERALS/BURIALS – DAYS AND HOURS ALLOWED

- Burials shall be restricted to weekdays between the hours of 9:30 am – 2:30 pm.
- Overtime charges shall be imposed for all weekday burials not completed by 4:00 pm.
- The City recognizes that situations may occur where burial on Saturday is desired. Saturday burials are a special service and thus must be approved by the City of Black Diamond staff before being scheduled.
- All graveside services shall be scheduled to allow cemetery employees the opportunity to complete all appropriate work in a safe manner before dark.
- Burials will not be allowed or scheduled on Sundays, City non-working days or Legal Holidays as recognized or determined by the City of Black Diamond.

PROHIBITIONS

- No one shall remove shrubs or trees within the cemetery except the Cemetery Maintenance staff;
- No advertising shall be allowed within the cemetery;
- The Management and Council reserves the right to forbid and prevent assemblies or authorize assemblies;
- Overnight camping is not allowed in the cemetery;

RIGHT TO REPLAT

The following rights and privileges are hereby expressly reserved to the Cemetery Management to be exercised at any time or from time to time for the erection of building, or for any purpose or use connected with incident to or convenient for the care of preservation of or preparation for disposal or interment of human bodies or other cemetery purposes :

- To resurvey, enlarge, diminish, re-plat, alter, in shape or size, or otherwise change all or any part or portion of the cemetery.
- To lay-out, establish, close, eliminate, or otherwise modify or change the location of roads, walk, or drives, allowing ingress and egress to and from any lot or plot.

PROPERTY INTEREST AND BURIAL RIGHTS

Interest in cemetery property shall be governed by Chapter 68 RCW as now and hereafter amended. The plot purchaser shall designate to the City the intent of who will be buried in the plot. The rights of burial and cremated remains placement will pass to the surviving family. If there is disagreement as to use of the family plot or plots between surviving family members, then the disputed plots will be closed for further burial or cremation placement. The plots can only be opened for burial again if all surviving family members and their spouses submit a signed and notarized memo of agreement identifying the agreed on use of the family plots. The City shall endeavor to determine the legal next of kin, but the City shall not be held responsible for this determination. The City shall not be responsible for activities authorized by persons falsely representing themselves as next of kin. It is the City's goal to provide interment for family and friends of the plot owners but when the City must make a decision in the interest of all, the City's decision as to the rights of burial will be final and cannot be appealed.

SALE OF PLOTS

The City may sell single or several plots as long as the purchaser can assign the burial intent for the lots purchased. The City will not sell numerous plots to a purchaser without specific plans for use.

Plots may only be sold back to the City as plot ownership is tracked by City records not by possession of or transfer of a deed. Plots will be repurchased for the amount that they were paid for. Sales of cemetery plots from person to person will not be recognized by the City.

NOTICE OF INTERMENT

The right is reserved by Black Diamond Cemetery to be notified at least 3 days before any interment in order that the grave may be properly prepared. Black Diamond cemetery will not be responsible for the completion of the grave site preparation without proper notification.

DISINTERMENTS

Provisions concerning permission to remove remains shall be governed by State law in Chapter 68 RCW as now or hereafter amended.

No disinterment shall be performed until all fees for this service have been paid.

MEMORIALS, MARKERS, MONUMENTS

- Temporary removable flush markers shall be placed by cemetery personnel on graves if no marker is provided.
- All lot owners must keep in good repair all stone or monumental work upon the lots. The City does not bind itself to maintain, repair, or replace any markers, monuments or monumental structures erected upon the lot which are lost or damaged due to weather, age, vandalism or normal maintenance.
- No memorial shall be placed on an occupied lot until all cemetery fees are paid in full.
- No memorials shall be removed by any person or company, without first having the approval of the City and the written consent of the next of kin or other authorized persons.
- Flat bronze markers will require a concrete base / border.
- The minimum side setback from a memorial stone to a plot boundary shall be 4 inches.

CARE AND IMPROVEMENTS

All cemetery maintenance and improvements of lots shall be performed only by employees of the City of Black Diamond or as directed by the City of Black Diamond staff. Plot owners shall not plant any shrubs or trees in the cemetery. No lot or grave shall be defined by fence, railing, hedge, borders, unauthorized memorial or any other object which extends above the ground. Plot owners shall not replace the grass ground cover with any other type of ground cover such as gravel, concrete, bark, tile or other coverings. Flowers and vases will be allowed, but if they are not maintained the City staff will remove these amenities and will not save them for retrieval.

PLANTING, TRIMMING, AND PRUNING TREES AND SHRUBS

Only personnel authorized by the City shall plant or remove trees or shrubs in the cemetery. If any tree or shrub situated on any lot by means of its roots, branches, or otherwise becomes dangerous to the adjacent lots, walks or avenues, the City shall have the right and it shall be its duty to enter upon the lot and remove the trees or shrubs, or any parts thereof as it may see fit.

LANDSCAPE REGULATIONS

- The City shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs or plants of any kind from the cemetery as soon as, in the judgment of the management, they become unsightly, dangerous, detrimental, diseased, or when they do not conform to the general standards maintained.
- The City shall not be liable for floral pieces, baskets, or frames in which or to which such floral pieces are attached.
- The City shall not be responsible for plants or plantings of any kind damaged by the elements, thieves, vandals or by other causes beyond its control.
- The City reserves the right to regulate the method of decorating graves so that a uniform beauty may be maintained.

FLOWERS AND FLOWER POTS

- Cut or artificial flowers may be removed and disposed of as the flowers deteriorate and they become wilted or unsightly.
- Potted plants in containers are allowed on graves as long as the container remains atop the confines of the marker on the grave. Absolutely no glass containers allowed in the cemetery at any time. The items in the glass container and the container shall be disposed of immediately.
- The City will not be responsible for the storage of any pots, shrubs, or plants that are picked up for disposal.
- Stakes of any material or wire at any time are not allowed and will be removed immediately from the grave once they are discovered.

MISCELLANEOUS REGULATIONS

- Concrete liner, steel or concrete vault will be required as a receptacle for the casket.
- Equipment for all burials will be furnished by the cemetery except as approved by the Park Director or his/her designee. This equipment shall consist of lowering device, grass carpet, tent, and benches.
- No animals shall be allowed in the cemetery.
- The speed of a vehicle shall not exceed 5 miles per hour within the confines of the cemetery.
- Picking flowers, breaking or injuring trees or shrubs or in any way injuring any monument or headstone is prohibited and subject to severe penalty according to State law.
- If anything is placed on a grave which is deemed improper, it will be removed by the City.
- All cemetery fees, payments, charges and deposits shall be paid up front before burial.
- The City Council shall have the right to make exceptions from the foregoing rules when deemed advisable for the best interest of the property. Such exceptions shall not be considered as rescinding or waiving any of these rules. Any waiver that may be made by the City Council shall not be or considered to be a continuing waiver and shall not bar the City or City Council from enforcing the usual policies and procedures at any later time it may desire so to do.