

Chapter 3

DEPARTMENTS

Article 8. Cemetery

§3-801 MUNICIPAL CEMETERY; OPERATION AND FUNDING. The Municipality owns and manages the Municipal Cemetery through the Governing Body. The Governing Body, for the purpose of defraying the cost of the care, management, maintenance, and beautification of the Cemetery may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Cemetery Fund and shall include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the Cemetery. The Cemetery Fund shall at all times be in the custody of the Municipal Treasurer. The Governing Body shall have the power and authority to hire and supervise such employees as they may deem necessary and to pass such rules and regulations for the operation of the Cemetery as may be proper for its efficient operation. *(Ref. 12-301 through 12-403 RS Neb.)*

§3-802 MUNICIPAL CEMETERY; SEXTON. The Governing Body shall have the authority to appoint a Sexton who shall perform such duties and make such reports as the Governing Body shall direct. It shall be the duty of the Sexton, upon receiving a burial permit to locate and direct the party named in the permit to the lot mentioned therein and to dig and excavate, or cause the same to be dug or excavated, in compliance with the rules and regulations of the Governing Body. *(Ref. 12-403 RS Neb.)*

§3-803 MUNICIPAL CEMETERY; CONVEYANCE OF LOTS. The Governing Body may convey cemetery lots by Certificate signed by the Chairman, and countersigned by the Municipal Clerk under the Municipal Seal specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. The said Certificate shall give a right in fee simple to the proprietor, his heirs, and assigns. The Certificate shall then be recorded in the office of the County Clerk. *(Ref. 17-941 RS Neb.)*

§3-804 MUNICIPAL CEMETERY; FORFEITURE OF LOTS. If, for three (3) consecutive years, all charges and liens are not paid by the holders of the Lot Certificates, the said Certificates shall be declared forfeited and subject to resale. All Certificates sold shall contain a forfeiture clause to the effect that if no interment is made on the dais lot and all liens paid, the Certificate and the rights under the same may, at the option of the Governing Body be declared null and void and the lot shall be subject to resale. *(Ref. 17-938 RS Neb.)*

§3-805 MUNICIPAL CEMETERY; LOT TRANSFERS. Any person who wished to transfer a certificate may do so by surrendering the original certificate to the Municipal Clerk, who shall issue a new certificate upon the receipt of the recording fee set by resolution of the Governing Body.

§3-806 MUNICIPAL CEMETERY; PERPETUAL CARE. The Municipal Treasurer shall allocate and set apart a percentage of the entire amount paid for lots or burial spaces if the said lots or burial spaces are to be endowed with perpetual care. The fund shall be permanent in nature, and as it accumulates shall be

invested in such interest bearing securities as are authorized by State law. The income earned thereon shall be used solely for the purposes of perpetual care for the Cemetery lots. Any lot owner who shall not have, prior to the purchase of his lot, endowed his holdings with perpetual care, may do so by paying to the Governing Body such sum of money as the Governing Body may in each case fix and determine. Thereafter, the owner shall not be liable for the payment of an annual maintenance assessment.

§3-807 MUNICIPAL CEMETERY; BURIAL PERMIT. All persons desiring to bury a deceased person shall first be required to file a completed death certificate with the Registrar of the County before any body may be buried in the Municipal Cemetery. If it is impossible to complete the certificate of death within the legal period of time prescribed by State law, the funeral director shall notify the Registrar and obtain his written approval before the deceased person may be buried in the Municipal Cemetery. The burial permit so issued by the Registrar shall then be filed with the Municipal Clerk. It shall be unlawful for the Sexton, or other person, to allow the interment of a body without first receiving such permit. The burial permit shall then be countersigned and dated by the Sexton. The interment of any body shall be performed under the direct supervision of a licensed funeral director. The applicant shall also file with the burial permit an application containing the name, age, sex, race, and cause of death of the deceased person for the records of the Governing Body. Upon completion of the requirement herein, the Municipal Clerk shall then issue a Municipal Burial Permit which shall entitle the applicant to bury a deceased person in the Municipal Cemetery. In the event that the removal of the body of any deceased person is requested the Municipal Clerk shall issue no permit until the applicant shall have first complied with the laws of the State of Nebraska with respect to such disinterment. (*Ref. 71-605 RS Neb.*)

§3-808 MUNICIPAL CEMETERY; BURIAL OF INDIGENTS. Within the Municipal Cemetery there shall be included a plot of ground which shall be available for the free burial of indigents and unknown travelers who may die while they are within the Municipality.

§3-809 MUNICIPAL CEMETERY; LOT CURBING. It shall be hereafter unlawful for the owner of any lot to construct, maintain, or suffer to remain any curbing around any lot or burial space therein of a height greater than one inch (1").

§3-810 MUNICIPAL CEMETERY; SHRUBS AND TREES. It shall be unlawful, without the written permission of the Governing Body, to plant, maintain, or suffer to remain on any Cemetery lot a shrub or tree attaining a height of more than four feet (4').

§3-811 MUNICIPAL CEMETERY; MONUMENTS. Person desiring to erect monuments, tombstones, or other structures shall first procure a permit from the Municipal Clerk. The Governing Body shall review all such applications and shall give written approval for any permit prior to the issuance by the Municipal Clerk of the said permit.

§3-812 MUNICIPAL CEMETERY; GRAVE DEPTH. Graves shall not be less than five feet (5') deep; provided, nothing herein shall be construed to prohibit the use of mausoleums or other recognized methods of interring deceased persons if such a burial procedure is approved by the Governing Body. In addition, concrete vaults shall be used in all cases of burial.

§3-813 MUNICIPAL CEMETERY; DESTRUCTION OF PROPERTY. Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, or gravestone place in the Cemetery, or any fence, railing, or other work for the protection or ornamentation of the Cemetery, or who shall willfully destroy, cut, break, or injure any tree, shrub, or plant shall be deemed to be guilty of a misdemeanor. *(Ref. 28-512 RS Neb.)*

§3-814 MUNICIPAL CEMETERY; RECLAMATION. When any lot has been transferred by warranty deed or by a deed conveying a fee simple title, but there has been no burial in any such lot or subdivision thereof and no payment of annual assessments for a period of three (3) consecutive years, the Cemetery Board with the sanction of the Governing Body, may reclaim the unused portion of such lot or subdivision after notifying the record owner or his or her heirs or assigns, if known, by certified mail and publishing notice of its intention to do so. Such notice shall be published once each week for four (4) weeks in a newspaper of general circulation throughout the county in which the cemetery is located, shall describe the lot or subdivision proposed to be reclaimed, and shall be addressed to the person in whose name such portion stands of record or, if there is no owner of record, to all persons claiming any interest in such lot or subdivision. If no person appears to claim such lot or subdivision and pay all delinquent assessments with interest within fifteen (15) days after the last date of such publication, the Cemetery Board may by resolution reclaim such lot or subdivision. Such reclamation shall be complete upon a filing of a verified copy of such resolution, together with proof of publication, in the office of the Register of Deeds.