



CITY OF LYONS

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FOX VALLEY CEMETERY RULES AND REGULATIONS

FLORAL:

These regulations are designed to preserve the appearance and dignity of this cemetery that means so much, to so many people. Grave decorations should honor the deceased. If they lack beauty, order, and neatness they do not do this.

- 1) Fresh cut or silk flowers may be placed in ground level vases at the place of interment throughout the year. Arrangements are to be placed within one foot of the grave marker.
- 2) Special decorations placed for specific holidays will be removed within fourteen (14) days following the holiday. (i.e. Easter, Mother's Day, Memorial Day, Father's Day, Fourth of July, Veteran's Day, Christmas, etc.)
- 3) Digging holes, planting flowers shrubs or trees, or placement of glass jars, tin cans, rocks, wooden items, metal rods, balloons are not permitted at any time and will be removed.
- 4) Arrangements that become wilted, faded, or unsightly will be removed by the cemetery caretaker.

GRAVE SITES:

- 1) No grave space in any part of the cemetery may be opened until covered with perpetual care and no opening or closing without management approval.
- 2) Sales of all grave spaces must be handled by the Lyons City Recorder, at Lyons City Hall, in order to maintain accurate records.
- 3) No new raised sidewalks or curbs will be allowed to be constructed in the cemetery.
- 4) No framing of grave spaces without prior approval of cemetery management. If approved the framing must be at ground level.
- 5) Double-stacking of caskets is not allowed.
- 6) Columbarium niches are limited to one urn/cremains per niche.

GRAVE MARKERS:

- 1) No memorial or grave marker may be placed without management approval and supervision.
- 2) Permanent primary grave markers must be placed in at least a six inch cement base, with a minimum six inch surrounding border. This is to allow easier mowing.
- 3) It is preferred if only one grave marker is placed at each grave site. It is recommended that writing be kept small so that additional names may be added to the grave marker in the future. If any additional grave markers are needed, they must be flat and recessed.
- 4) No permanent grave markers will be permitted in the cemetery until all indebtedness is paid in full.
- 5) Engraving of the columbarium niche door is the responsibility of the niche purchaser or family member.

BURIAL:

- 1) Liners are required for all grave sites.
- 2) Cremains shall be placed in an urn container, and properly placed in the cemetery, so that accurate records may be kept. No scattering of ashes is allowed.
- 3) The City of Lyons must be notified prior to any burial, so as the space and lot may be properly staked. This is to insure placement in the correct grave site.

GENERAL:

- 1) Un-repairable, unsightly, and broken up sidewalks, curbs, or framing shall be removed at the expense of the lot owners or surviving family members. The City of Lyons reserves the right to remove these obstacles for necessary maintenance, and then seed the same areas to grass.
- 2) The City of Lyons is not responsible for loss beyond its control or caused by a third party, weather damage, or illegal acts in the cemetery. LMC 2.25.130
- 3) All fees that are to be charged are outlined in the Lyons Municipal Code 2.25.090 Fox Valley Cemetery Fees.

These regulations shall be enforced in accordance with the laws of the State of Oregon.

Fox Valley Cemetery, located due east of 25th St, in the 45000 block of Lyons-Mill City Dr, Lyons, in Linn County, Oregon in Section: 20T P9 SR 2E Will Meridian. This facility is licensed and regulated by the Oregon Mortuary and Cemetery Board (971) 673-1500.

Chapter 2.25

Fox Valley Cemetery

Sections:

- 2.25.010 Rules and regulations.
- 2.25.020 Platting.
- 2.25.030 Sale of plots.
- 2.25.035 Interment rights.
- 2.25.040 Perpetual care.
- 2.25.050 Price of plots.
- 2.25.060 Perpetual care trust fund.
- 2.25.065 General operating fund.
- 2.25.070 Duties of the city recorder.
- 2.25.080 Records.
- 2.25.090 Fees.
- 2.25.095 Unauthorized interment.
- 2.25.100 Collection of fees.
- 2.25.110 Refunds and buy backs.
- 2.25.120 Transfer or sale of ownership.
- 2.25.130 Loss or damage disclaimer.
- 2.25.140 Right to make corrections.
- 2.25.145 Disinterments.
- 2.25.150 Right to make changes or improvements.
- 2.25.160 Hardship clause.

2.25.010 Rules and regulations.

A. The city council shall make, adopt, and enforce rules and regulations for the use, care, control, management, restrictions and protection of the Fox Valley Cemetery. Such rules and regulations may restrict and limit the use of all property within the cemetery.

B. All rules and regulations relating to the Fox Valley Cemetery shall be approved by the city council prior to becoming effective.

C. No person may violate the provisions of cemetery rules and regulations adopted pursuant to this section. [Ord. G1-2013, 2013; Ord. B8-11 § 1, 1998.]

2.25.020 Platting.

Before any new block of territory is opened for the sale of plots, the city council shall cause it to be platted and recorded in the office of the registrar of deeds. The plat shall be designed as to provide direct access to each plot from either a road or a walkway. [Ord. G1-2013, 2013; Ord. B8-11 § 2, 1998.]

2.25.030 Sale of plots.

The sale of plots in the Fox Valley Cemetery shall be under the control of the city recorder, subject to the rules and regulations of the cemetery and general supervision of the city council. Any applicant may apply to the city recorder and select from those plots available for sale the plot or plots he desires to buy. [Ord. G2-2015 § 1, 2015; Ord. G1-2013, 2013; Ord. B8-11 § 3, 1998. Amended during 2006 recodification.]

2.25.035 Interment rights.

When a cemetery plot(s) is purchased, the owner purchases the right to designate who may be interred in the plot, rather than purchasing the plot of land itself, which remains the property and responsibility of the Fox Valley Cemetery. Interment rights include the right to place a marker or monument, the size of which is subject to the Fox Valley Cemetery rules and regulations. All burial rights are subject to the cemetery rules and regulations, as well as those of the Oregon Mortuary and Cemetery Board. [Ord. G1-2013, 2013.]

2.25.040 Perpetual care.

All plots hereafter sold in the Fox Valley Cemetery shall be provided with perpetual care services. The expense of such care is included in the price of the plot(s) in accordance with the provision of this code (LMC 2.25.050). [Ord. G1-2013, 2013; Ord. B8-11 § 4, 1998.]

2.25.050 Price of plots.

The city council shall, from time to time, fix a schedule of prices for all plots in, and services of, the Fox Valley Cemetery. [Ord. G1-2013, 2013; Ord. B8-11 § 5, 1998. Amended during 2006 recodification.]

2.25.060 Perpetual care trust fund.

One-third of the funds derived from the sale of plots shall be deposited by the city recorder into the perpetual care trust fund and shall be considered as full payment by the purchaser for perpetual care of the plot(s) by the city. All monies received for the perpetual care trust fund shall be deposited by the city recorder into said perpetual care trust fund and shall not be used for any purpose other than the care of Fox Valley Cemetery. These funds shall be deposited into an interest bearing account and

allowed to accrue and bear interest to provide for the future maintenance of the cemetery. [Ord. G2-2015 § 1, 2015; Ord. G1-2013, 2013; Ord. B8-11 § 6, 1998. Amended during 2006 recodification.]

2.25.065 General operating fund.

Two-thirds of the funds derived from the sale of plots shall be deposited by the city recorder into the cemetery fund for the ongoing maintenance and operational costs of the cemetery property. The monies deposited into the cemetery fund shall be used for the improvement, maintenance and repair of the Fox Valley Cemetery. Such monies shall be accounted for separately from the perpetual care trust fund. [Ord. G2-2015 § 1, 2015; Ord. G1-2013, 2013.]

2.25.070 Duties of the city recorder.

The city recorder shall also serve as the Fox Valley Cemetery manager; no additional compensation shall be paid the city recorder for these duties. The bond of the city recorder shall cover the performance of all such duties. [Ord. G2-2015 § 1, 2015; Ord. G1-2013, 2013; Ord. B8-11 § 7, 1998. Amended during 2006 recodification.]

2.25.080 Records.

The city of Lyons shall keep the following records:

A. A diagram of each lot in the Fox Valley Cemetery.

B. A diagram of each plot sold in the cemetery and identified by section, block number, lot number, plot number, date sold, and the name and address of owner.

C. Monies received from sale of each plot.

D. Monies received for perpetual care of each plot.

E. A copy of the death certificate or working copy of the certificate of death.

F. A burial record containing the current index for each person interred giving the:

1. Name of the decedent and, when applicable, the identifying metal ID tag number (cremains burial) provided by the State Registrar's office;
2. Date of death and date of burial;
3. Exact location of the interment of human remains by section, block number, lot number and plot number;

4. Name of the funeral service practitioner or facility personnel responsible for making and executing the arrangements for final disposition;

5. Written permission (interment authorization) for final disposition from the person (authorizing agent) who has the right to control disposition of the human remains (an interment authorization is not required for the interment of cremated remains). This includes:

a. The printed name, signature and phone number of the authorizing agent, their relationship to the deceased, when permission was obtained, and the printed name and signature of the facility representative acquiring the authorization. [Ord. G1-2013, 2013; Ord. B8-11 § 8, 1998. Amended during 2006 recodification.]

2.25.090 Fees.

The following fees shall be charged for burial plots and burial plot (cremains) opening and closing:

Burial Plots:

Burial Plot (4' x 11')	\$1,050.00
Cremains Plot (4' x 3' 8")	\$350.00
Columbarium Niche (12" x 12")	\$225.00

Open and Close Burial Plots:

Cremains	\$100.00
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Overtime Charge:

Saturday, Sunday and Holiday	
Additional	\$150.00

Transfer of Ownership:

Transfer of Ownership per Individual Burial Plot	\$25.00
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The above-established fees do not include grave liners. However, liners must be used. [Ord. G1-2018, 2018; Ord. G1-2013, 2013; Ord. B8-12 § 1, 2001.]

2.25.095 Unauthorized interment.

Under no circumstances shall an unauthorized interment be allowed. Any unauthorized burials, regardless of plot ownership, are hereby expressly forbidden and will be considered theft of services as per statute. The city of Lyons reserves onto itself the express right to prosecute any individual or

individuals found guilty of such an act. [Ord. G1-2013, 2013.]

2.25.100 Collection of fees.

All fees must be paid prior to any burial services. Arrangements may be made to allow the family to pay the funeral home for all city fees. [Ord. G1-2013, 2013; Ord. B8-12 § 2, 2001.]

2.25.110 Refunds and buy backs.

The city of Lyons does not buy back previously sold plots or refund any prepaid fees without the approval of the Lyons city council. Should a buy back of a previously sold plot be authorized, the buy back amount may not exceed the original purchase price. [Ord. G1-2013, 2013; Ord. B8-12 § 3, 2001.]

2.25.120 Transfer or sale of ownership.

All transfers of ownership shall be subject to approval by the city recorder and shall be recorded with the city prior to transfer. The transfers of ownership from a plot owner to another party shall be subject to a charge as specified in LMC 2.25.090, Fees, to be paid when the transfer is recorded. [Ord. G2-2015 § 1, 2015; Ord. G1-2013, 2013; Ord. B8-12 § 4, 2001.]

2.25.130 Loss or damage disclaimer.

The city of Lyons shall take reasonable precaution to protect plot owners from loss or damages, but distinctly disclaims all responsibility for loss or damage beyond its control or caused by a third party, and especially from damages caused by the elements, acts of God, thieves, vandals, malicious mischief, explosions, unavoidable accidents, whether damage be direct or secondary. [Ord. G1-2013, 2013; Ord. B8-12 § 5, 2001.]

2.25.140 Right to make corrections.

The city of Lyons reserves, and shall have, the right to correct any errors that may be made during the process of making interments, disinterments, removals, or in the description, transfer or conveyance of property by substituting or conveying, in lieu thereof, other interment property of equal value, of similar location or at the sole discretion of the city, refunding the amount of money paid on the account of such person. In the event that such an error shall involve the interment of the remains

of any person in such property, the city of Lyons reserves and shall have the right to remove and/or transfer such remains to such other property of equal value and similar location (if possible) as may be substituted and conveyed in lieu thereof subject to the provisions of LMC 2.25.145. [Amended by the city as part of the December 2016 supplement*; Ord. G1-2013, 2013; Ord. B8-12 § 6, 2001.]

* This section was amended to add wording required by the Oregon Cemetery Board.

2.25.145 Disinterments.

A. Relocation Within the Cemetery. Prior to any disinterment of remains for purposes of relocation within a cemetery, as per ORS 97.220: The remains of a deceased person interred in a plot may be removed from the plot with the consent of the cemetery authority and written consent of the person who has the right to control the disposition of the remains of the deceased person. If the consent of any such person or of the cemetery authority cannot be obtained, permission by the county court where the cemetery is situated is sufficient. This section does not apply to the disinterment of remains upon order of the court or if disinterment is ordered under statutory provisions. See ORS for detailed instructions.

B. Relocation Outside of Cemetery. When moving remains to a location outside of the cemetery, as per ORS 432.317: Authorization for disinterment and re-interment shall be required prior to disinterment; this authorization shall be issued by the State Registrar to a licensed practitioner upon proper application. [Ord. G1-2013, 2013.]

2.25.150 Right to make changes or improvements.

The rights to enlarge, reduce, replat or change the boundaries of cemetery property including the right to modify or change the location of, remove or regrade roads, drives, walks or any part thereof is hereby expressly reserved by the city of Lyons. The city reserves the right to lay, maintain, operate and/or alter pipelines for sprinkler systems. The city of Lyons further reserves to itself, and to those lawfully entitled thereto, a perpetual right of access

over any plot for the purpose of passageway to and from other plots. [Ord. G1-2013, 2013; Ord. B8-12 § 7, 2001.]