

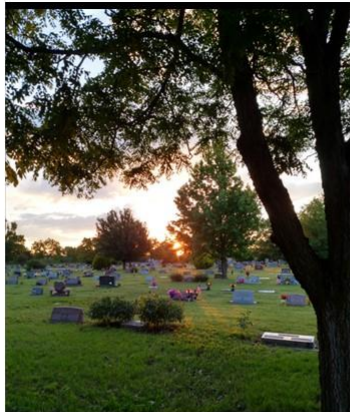


Cemetery Rules & Regulations

Revised August 2021

Greenwood Cemetery

1100 E. 1st St.



Restlawn Cemetery

4619 W. Hwy 50



CITY OF NEWTON, KANSAS
RULES AND REGULATIONS
FOR GREENWOOD & RESTLAWN CEMETERIES
2021 EDITION

Authority for Rules and Regulations

The City of Newton, Kansas, is the owner and operator of the Greenwood and Restlawn Cemeteries, located in the Greenwood Cemetery and Restlawn subdivisions of the City, together with such lands as may be annexed thereto and made a part of such cemetery facility from time to time. As the owner, the Governing Body of the City of Newton has the authority and responsibility for the promulgation of suitable and proper rules and regulations for the operation and government of the City Cemetery, including the establishment of various prices, fees and costs associated with the sale and reacquisition of cemetery lots and with the various services provided by the City in relation to the cemetery facilities. All such rules and regulations are published from time to time in booklet form, and upon the adoption and approval of those published rules and regulations through the enactment of a Resolution such rules and regulations have the force of law.

Application of Rules and Regulations

All owners of lots or grave spaces, and all persons who may be upon the premises of the cemetery for any reason, shall be subject to said rules and regulations and amendments or alterations thereto as shall be adopted from time to time by the Governing Body of the City of Newton, Kansas; and the reference to these rules and regulations in the deed or certificate of ownership to lots shall have the same force and effect as if set forth in full therein.

Adoption and Approval of Rules and Regulations

This 2021 Edition of the Rules and Regulations for Greenwood and Restlawn Cemeteries were approved and adopted by the Governing Body of the City of Newton, Kansas, on August 10, 2021, through the enactment of Resolution No. G-1252.

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ARTICLE I. CEMETERY ADMINISTRATION

- A. Cemetery Management. The City cemeteries, for the purpose of administration, shall be operated by the Park and Public Facilities staff and shall be under the supervision and control of the Park Superintendent who shall enforce the provisions of the ordinances pertaining to said cemetery and the rules and regulations governing the same.
- B. Cemetery Staff: Appointment. The Park Superintendent may appoint suitable persons to act as cemetery staff and to have immediate care of the cemetery records, grounds and lots.
- C. Cemetery Staff: Duties. The cemetery staff shall have the custody and care of all personal property of the City in or about the cemeteries. He/she shall cause all persons within such cemetery to observe the rules and regulations pertaining to conduct therein and the care and adornment of cemetery lots. He/she and their assistants shall open any grave upon a permit therefore from the City Clerk, close all graves and make such reports upon any burial as may be required. The cemetery staff shall report all violations of cemetery rules and regulations, and the action thereto to the Park Superintendent.

ARTICLE II. SALE OF LOTS

- A. Price of Lots and Grave Spaces. All grave spaces shall be sold according to the following price schedule, and by appointment only. No payment plans are available.

<u>All Blocks</u>	<u>Price</u>
1 Grave Space in Lot Area	\$400.00
1 Grave Space - Single Row Area Only	\$200.00
1 Grave Space - Baby Island	\$100.00
1 Niche – Columbarium	\$275.00

A grave space to be selected by the City can be provided at a discounted rate to SRS recipients who meet established guidelines.

- B. Issuance of Certificate of Purchase. Upon the presentation to the City Clerk of the purchase money, there shall be issued to the purchaser a certificate of purchase, under the seal of the City, which the Clerk, and such certificate so signed as aforesaid shall convey the estate which, by law in such case made and provided, is intended to be conveyed for the sole purpose of interment.
- C. Repurchase by City. Any lot or lots repurchased shall be approved by the City and shall be at 50% of the current price, less fifty dollars (\$50.00) for administrative costs.

- D. Transfer of Lots to Others. Should the owner(s) of any lot or space in the cemetery of the City desire to transfer the same to one other than the City of Newton, the owner shall first execute a certificate therefore to the City of Newton and deliver the same to the City Clerk, who will in turn execute to the purchaser of such lot, a certificate of such purchase under the seal of the City, signed by the Mayor and countersigned by the City Clerk, conveying the estate which by law is intended to be conveyed for the sole purpose of interment. A transfer fee of fifty dollars (\$50.00) shall be paid to the City Clerk by the purchaser for the issuance of the new certificate.
- E. Single Grave Space - Full Lot. A single grave space shall not be sold in any lot containing an even number of spaces. For example, most lots contain 8 spaces. An individual may purchase 2 or more spaces, but may not purchase a single space.
- F. Reserve Grave Space - Single Row Area. In a single row area, it shall be permissible for a person to purchase two single grave spaces and reserve one space for future burial, provided the reserved grave space is between filled grave spaces.
- G. Transfers. No lot can be transferred from one cemetery to another (ex. Restlawn to Greenwood).
- H. Holding Spaces. Spaces will be held no more than 30 days without payment.

ARTICLE III. INTERMENT PERMITS, RECORDS AND FEES

- A. Burial Permit Record. The City Clerk shall keep a record of the permits issued under the provisions of this article, showing the date of issue, to whom issued, the name, other available information as provided, the number of the lot, block and addition or the number of the crypt.
- B. Burial Permit Fees. Prior to the issuance of the burial permit, the City Clerk shall charge and collect the following fees:

The following fees include the cost of opening and closing the grave:

Size A (36" x 24" x 36")(Infant)	\$300.00	Monday - Friday
	\$375.00	Includes late charge for after 3:00 p.m.
	\$500.00	Saturday before 1:00 p.m.
	\$550.00	Saturday after 1:00 p.m.
	\$700.00	Saturday following Holiday

Size B (90" x 28" x 48")(Adult)	\$ 500.00	Monday - Friday
	\$ 575.00	Includes late charge for after 3:00 p.m.
	\$ 700.00	Saturday before 1:00 p.m.
	\$ 750.00	Saturday after 1:00 p.m.
	\$1,100.00	Saturday following Holiday
Ashes	\$ 225.00	Monday - Friday
	\$ 300.00	Includes late charge for after 3:00 p.m.
	\$ 425.00	Saturday before 1:00 p.m.
	\$ 475.00	Saturday after 1:00 p.m.
	\$ 550.00	Saturday following Holiday
Mausoleum (Crypt)	\$ 540.00	Monday - Friday
	\$ 615.00	Includes late charge for after 3:00 p.m.
	\$ 640.00	Saturday before 1:00 p.m.
	\$ 690.00	Saturday after 1:00 p.m.
	\$1,080.00	Saturday following Holiday
Mausoleum (Cremation)	\$ 300.00	Monday - Friday
	\$ 375.00	Incl. late charge for after 3:00 p.m.
	\$ 400.00	Saturday before 1:00 p.m.
	\$ 450.00	Saturday after 1:00 p.m.
	\$ 700.00	Saturday following Holiday
Columbarium	\$ 225.00	Monday - Friday
	\$ 300.00	Incl. late charge for after 3:00 p.m.
	\$ 325.00	Saturday before 1:00 p.m.
	\$ 375.00	Saturday after 1:00 p.m.
	\$ 500.00	Saturday following Holiday

Disinterment Fees

Cost for disinterment includes the operation of removing a burial structure from its current resting-place. The cost for this service is double the prices shown above for interments. No disinterment will be performed on a City holiday or on weekends. Scheduling disinterments will be at staff's discretion.

ARTICLE IV. INTERMENTS, DISINTERMENTS AND REMOVALS

- A. Laws, Rules and Orders. All interments, disinterments and removals shall be subject to the laws, rules and orders of the properly constituted authorities of the City, County and State.
- B. Number of Burials for Grave Space or Lot. Only one (1) burial shall be permitted on each grave space or lot except that two (2) Size A (infant) interments may be made on one (1) grave space, up to four (4) cremations shall be allowed on one (1) space, or one (1) Size B (adult) and one (1) cremation per space.
- C. Cremation Urn in Base of Monuments. Cremation urns may be interred in the base of a monument in a manner complying with directions of the cemetery staff. Cremation urns must be interred in a concrete, steel, cultured marble, or marbelon urn vault.
- D. Cremation Urn in Columbarium. Generally, only one (1) cremation urn will be allowed per niche. Two (2) cremations may be allowed, if the niche will accommodate two urns.
- E. Location of Interment Space. When instructions from the lot owner, or his agent, regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or for any reason the interment space cannot be opened where specified, the cemetery staff may, at their discretion, open it in such location in the lot as they deem best and proper, so as not to delay the funeral; and the cemetery staff shall not be liable for damages on any error so made.
- F. Types of Vaults or Boxes. In every earth interment, the casket shall be enclosed in a vault or box constructed of concrete or steel. Cremation urns must be interred in a concrete, steel, cultured marble, marbelon, or a 3200 psi rated ABS plastic urn vault.
- G. Holidays. No interment, disinterment, cremation or services shall be permitted on days established by the City Commission for observing holidays by City employees.
- H. Times. No interment, disinterment, cremation or services shall be scheduled to begin later than 3:00 p.m. on a business day (M-F), or prior to 9:00 a.m. on a business day (M-F) except on Mondays when services shall begin no earlier than 10:00 a.m.
- I. Sunday. No interment, disinterment, cremation or service will be permitted on Sunday.
- J. Late Service. A late service charge of seventy-five dollars (\$200.00) shall be made for any funeral arriving at the cemetery entrance after 3:00 p.m. during the workweek.
- K. Saturday Services. An extra charge shall be applied to any funeral service scheduled to be held on a Saturday. Notification of any Saturday service shall be made not later than the preceding Thursday at noon. (See Article III) All Saturday services shall begin prior to 1:00 p.m.

- L. Disinterments. All disinterment's shall follow the same scheduling guidelines as interment services, but shall not occur on Saturdays.
- M. Scheduling. All services (interments/disinterment) shall be scheduled by 12:00 p.m. the previous day except for Saturdays.
- N. Emergencies. In the event of an emergency, staff will make every effort to accommodate the service with the addition of all applicable extra fees. However, no Sunday or holiday services will be considered.

ARTICLE V. IMPROVEMENT OF LOTS AND GRAVES

- A. Perennial Flowers, Shrubs and Dwarf Trees. These plantings shall be permitted provided they are not a spreading, crawling, or vine-type plant, and as regulated by Section C below.
- B. Seasonal, Artificial or Cut Flowers and Wreaths. These items shall be permitted as regulated by Section C below.
- C. Installation and Plant Regulations. Any plantings or installations in Sections A and B above shall conform to the following regulations.
 - 1. The type and location for planting any shrubs, dwarf trees or perennial flowers shall be approved in writing by the cemetery staff.
 - 2. Placement of cut flowers or artificial flowers, and excavations for planting of seasonal flowers, perennial flowers, shrubs or dwarf trees, with prior approval from cemetery staff, shall be confined to the area within eight (8) inches of the ends of the foundation of the marker or monument.
 - 3. Placements and plantings shall not be allowed on the grave itself. See C2 on previous page.
 - 4. Placement of flowers in the Greenwood Cemetery Baby areas shall be confined to vases provided in the base of the centrally located monument at Section B. No permanent fixtures are allowed.
 - 5. No placement or plantings shall be permitted in the flush marker areas (Blocks E, N and O of the 4th Addition) at Greenwood and Blocks A, B and C at Restlawn unless such placements or plantings are contained in vases that are built into the marker base.
 - 6. No placement or plantings shall be permitted around foot markers, including vases.

7. Artificial flowers, wreaths and cut flowers shall be placed and secured in a manner that they will not become dislodged or scattered by the wind. No holes may be dug in or around a grave to support flower vases or any other placement structures.
8. Damaged or faded artificial flowers or wreaths, and neglected, unkempt or dead flowers and plants may be removed by the cemetery staff as necessary to maintain the attractive and neat appearance of the cemetery.
9. Real flowers are not allowed in the Mausoleum except as per letter D below.

D. Temporary Plantings and Placements. Seasonal flowers, cut flowers, artificial plants or flowers and wreaths shall be permitted on the entire grave space area for a period of five (5) days preceding and ten (10) days following Memorial Day, and for ten (10) days immediately following the date of interment of the deceased. This also applies to the Mausoleum.

E. Permanent Plantings and Placements. Cemetery staff may remove any unauthorized plantings or objects on graves or lots. Objects such as floral frames, vases, etc., removed by the cemetery staff may be disposed of if not claimed by the owner within seven (7) days after removal. No permanent decorations, ornaments, or embellishments such as benches, shepherds hooks, decorative statues, decorative stones or any other unapproved placements other than monuments described shall be permitted on or around the grave spaces or in the cemetery.

F. Plantings and Placements. The City and its staff shall not be held liable for any disposal or return of any temporary decorations or permanent decorations or trees that were installed without written approval. Plantings may be removed without notice by cemetery staff when they become unsightly, undesirable, or interfere with cemetery maintenance. Such items will not be replaced. Any plantings, shrubs or trees wrongfully placed will be removed without notice.

G. Retaining Walls, Fences, and Curbing. All retaining walls, fences and curbing of lots or grave spaces are prohibited, except as may be constructed by the City.

The City may remove a retaining wall, fence or curbing that is presently in place when cemetery staff determines that the improvement is in such poor condition that it is detrimental to the appearance or maintenance of the cemetery, or for such other reasons of safety or convenience as the City may deem appropriate. The owner of the lot will be given notice, if possible, to repair such improvements; and if he/she does not proceed with the repair within a reasonable time, the cemetery staff may proceed with the removal.

H. Mounding of Graves Prohibited. All graves shall be flush with the surrounding ground level and shall not be mounded or maintained without turf.

ARTICLE VI. MEMORIAL MONUMENTS AND MARKERS

A. Definitions.

1. Projecting Monument: A two-piece stone projecting above ground level for purpose of identifying occupancy of one or more grave spaces.
2. Projecting Marker: A one-piece stone projecting above ground level, for the purpose of identifying the occupancy of one or more grave spaces.
3. Flush Marker: A stone installed flush with ground level for the purpose of identifying occupancy of one or more grave spaces.
4. Foot Marker: A small stone, installed flush with ground level, used in conjunction with a monument for the purpose of more identification of a grave space.
5. Measurement Terms: Measurements for monuments and markers shall be referred to by the following terms and their definitions.
 - a. "Height" or "depth" shall be a vertical measure.
 - b. "Length" shall be the long measurement of a monument or marker, or as would be measured in a crosswise direction of a grave space.
 - c. "Width" shall be the short measurement of a monument or marker, or as would be measured in lengthwise direction of a grave space.
6. Memorial Work: The construction, erection or installation of any memorial monument or marker.

B. Permits Required. Before any memorial work is commenced in Greenwood Cemetery by any employee or employees of a private business or contractor, a permit approving such work shall be obtained from the City. The permit shall state the name of the company or contractor proposing to do the work, the location of the work, the type of memorial work and other such information necessary to determine that the proposed work will comply with cemetery rules and regulations. A fee of fifty dollars (\$50.00) shall be charged for each permit to cover the cost of issuing the permit and inspection of the work. A fee of fifty dollars (\$50.00) will also be charged for issuing each permit, locating niche site and inspection of that niche in the Columbarium.

C. Supervision and Locating of Memorial Work. All memorial work shall be done under the general supervision of the cemetery staff. Twenty-four hour working day notice is required prior to setting a monument.

Property will be marked upon notification, however, if ten (10) days pass and property needs to be re-marked, it will be subject to another fifty dollar (\$50.00) marking fee.

If the foundation is set and forms are not removed and dirt is not properly backfilled within thirty (30) days, then the contractor will be charged an additional fifty dollars (\$50.00).

- D. Memorial Work during Business Hours. Memorial work shall be conducted only during those hours when cemetery personnel are on duty. No memorial work will be permitted while a funeral service is in progress.
- E. Specifications for Monuments and Markers. All monuments and markers shall be of standard construction material, such as marble, granite or bronze. If another material is desired, it is subject to staff approval.
- F. Location and Placement of Monument or Markers.
 - 1. All monuments or markers, whether projecting or flush style, shall be placed at the head of the grave space or spaces (except foot markers).
 - 2. Foot markers must be set at the foot of the grave space and flush with ground level.
 - 3. Monuments or markers shall be placed so the centerline for the width of the monument or marker will be two (2) feet in the lot line at the head of the grave space or spaces (except foot markers).
 - 4. Foot markers shall be placed so the center line for the width of the foot marker will be two (2) feet from the lot line at the foot of the grave space or spaces.
 - 5. Directional placement of monuments and markers shall be in accord with the following guidelines:
 - a. In all sections where a road exists on the east and west sides of such section, the first two (2) rows of monuments or markers from the east road shall face east, and the remaining rows in such section shall have the monuments or markers facing west.
 - b. In sections or areas where the only road is on the east of such area all monuments or markers shall face east.
 - c. In sections or areas where the only road is on the west of such area all monuments or markers shall face west.

- d. In sections or rows where the majority of the monuments or markers previously installed are not conforming to a., b., and/or c. above, monuments and markers should be set to conform with the majority of those in such row or area.
 - e. In situations where none of the above guidelines apply, the decision of the cemetery staff shall apply.
6. Special for Baby Island, Blocks E, N and O of 4th Addition & Restlawn, Blocks A, B & C.
- a. Markers installed in these areas are exempt from the location measurement provisions of subsections 3 and 4 above.
 - b. The marker shall be located in a manner that the outside edge of the concrete base shall abut on the property line at the head of the grave space.
7. Special for Columbarium.
- a. All faceplates shall be lettered in Roman or Condensed Roman lettering. Bronze plaques that are nine and three quarters (9 3/4) by two and one half (2 1/2) will be etched with above lettering in standard one quarter (1/4) inch letter size. Months of birth and death may need to be abbreviated.

G. Length and Width Limitations.

- 1. The length of a monument or marker, including the concrete base extensions, for a single grave space shall be no longer than the width of the grave space.
- 2. The length of a monument or marker, including the concrete base extensions, for adjoining grave spaces shall be no longer than the combined width of the grave spaces.
- 3. In Blocks N and O of 4th Addition, a marker stone for a single grave space shall not exceed twelve (12) inches in width and twenty-four (24) inches in length. For adjoining grave spaces, a common marker stone shall not exceed twelve (12) inches in width and thirty-six (36) inches in length.
- 4. In Block E of 4th Addition, a marker stone for a single grave space must be twelve (12) inches in width and twenty-four (24) inches in length. For adjoining grave spaces, a common marker stone shall be twelve (12) inches in width and thirty-six (36) inches in length.
- 5. In the Baby Island, a marker stone for a single grave space shall not exceed eight (8) inches in width and sixteen (16) inches in length.

H. Specifications for Setting of Monuments and Markers.

1. All monuments and markers shall be set on a concrete base. Top surface of the concrete shall be flush with ground level, and shall be six (6) inches wider on each side than the bottom dimensions of the monument or marker.
 - a. In the Baby Island, the concrete base shall be four (4) inches wider on all sides than the marker measurements.
2. The concrete base shall have a minimum depth not less than six (6) inches below ground surface, and be reinforced with not less than one (1) half (1/2) inch diameter steel reinforcing rod placed approximately midway in the depth of the concrete mixture.
3. A concrete base may be constructed by either of the two following methods.
 - a. Entirely of a concrete mix poured into the proper size excavation at the installation site.
 - b. Use of a pre-cast concrete slab for the upper one-half (1/2) of the base, which shall be placed upon concrete mix that has been poured into the proper size excavation at the installation site, for a total depth not less than eight (8) inches.
4. Concrete used for the base shall consist of a proper mixture of Portland cement, aggregate and water properly blended and mixed to provide a strong and durable base.
5. Foot Markers.
 - a. All foot markers shall be installed flush with the ground level.
 - b. On lots where existing foot markers have been installed above ground level, any additional foot markers installed on that particular lot may be installed above ground level.
6. Special for Blocks E, N and O of 4th Addition & Restlawn, Blocks A, B and C.
 - a. All markers in these areas shall be installed flush with the ground level.
7. Special for Baby Island.
 - a. All markers in this area shall be installed flush with the ground level.
8. All monuments and markers must be made and set by a reputable stone/marker manufacturing company.

9. Any monuments or markers not installed as per current rules and regulations must be removed/repaired with thirty (30) days or incur a fifty (\$50) fine.
- I. Full Grave Space Covers. Installation of a full grave space cover constructed of concrete, marble or other material of any style shall not be permitted.
- J. Individual Mausoleums. Installation of individual or family size mausoleums of any type construction or materials shall not be permitted.
- K. Extensions to Concrete Base. Extension to an existing concrete base for the purpose of providing holders for flower vases, etc. shall not be permitted.
- L. Additional Specifications. In order to insure the setting of monuments and markers in a workmanlike manner and in keeping with good appearance of the cemetery as a whole, the cemetery staff, with the approval of the Park Superintendent, may adopt additional specifications and regulations deemed necessary and proper for the location and setting of monuments and markers.
- M. Clean Up of Worksites. All worksites shall be properly policed upon completion of setting of monument. No loose concrete will be left on the ground, scrap lumber and dirt piles will be removed, tracks filled in etc.

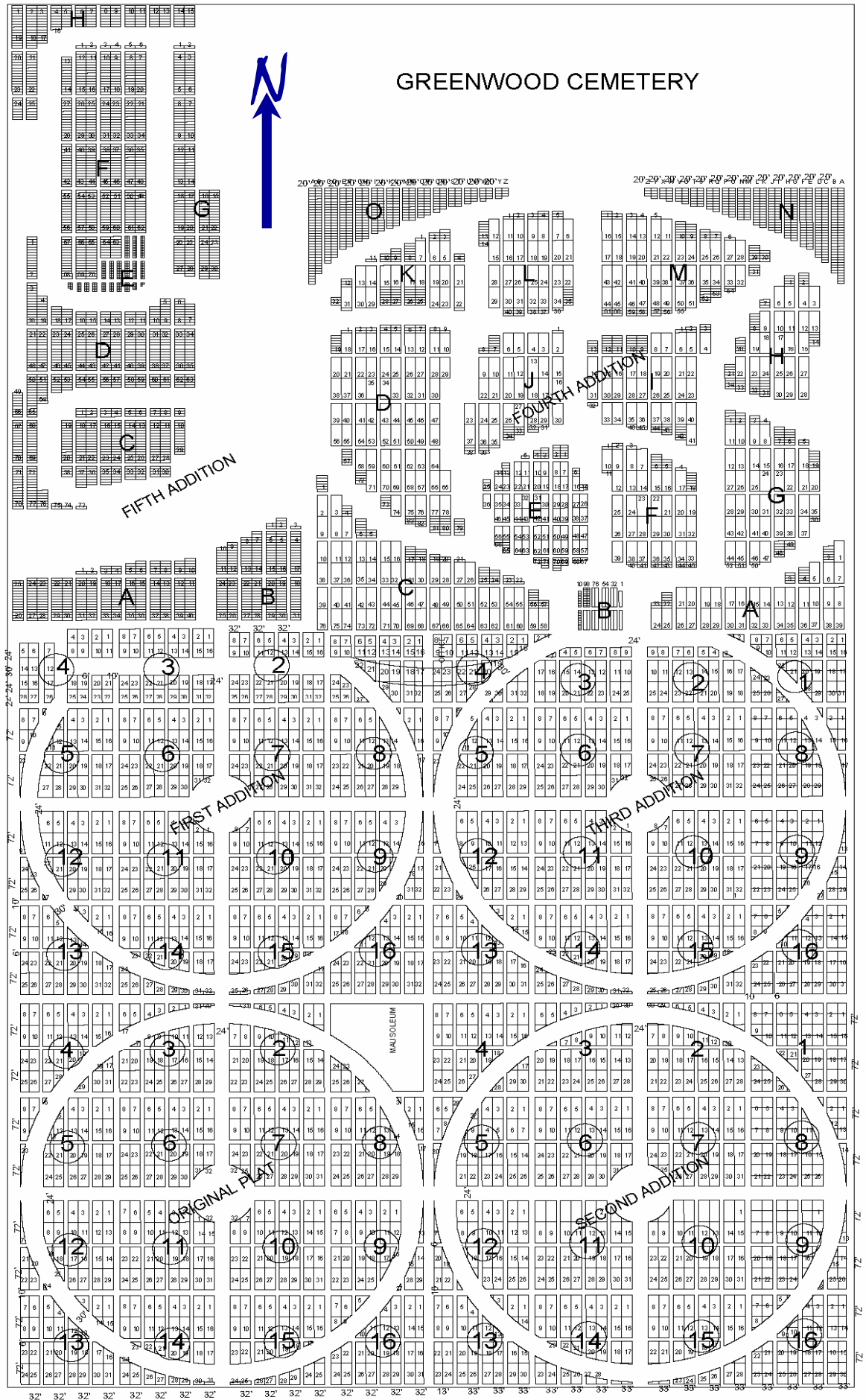
ARTICLE VII. CEMETERY ENDOWMENT FUND

- A. Revenue. Thirty percent (30%) of the sale price of any and all grave spaces and lots shall be placed in the Cemetery Endowment Fund unless otherwise amended by resolution of the City Governing Body. (Resolution G-75, 1967)
- B. Use of Endowment Fund. Under the terms and conditions of the Cemetery Endowment Fund as established by the governing body of the City only the interest or income earned on the principal of the Cemetery Endowment Fund shall be used for the operation and maintenance of utilities, walls, roadways and stone repair. No part of the earnings may be used for maintenance, repair or replacement of any monuments or markers or other memorials placed on any lot; nor for the plantings of any flowers, shrubs or trees on any lot; nor for any other special care not afforded every other lot in the cemetery.

ARTICLE VIII. OTHER REGULATIONS

- A. Orders Received by Telephone. The cemetery staff shall not be held responsible for any order received by telephone, or for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a lot where interment is desired.

- B. Correction of Error. The cemetery staff reserves, and shall have, the right to correct any error that may be made by the staff either on making interments, disinterment's or removals, or in the description, transferring conveyance of any interment property either by canceling such conveyance or transferring property of equal value and similar location as far as possible as may be selected by the cemetery staff, or at the sole discretion of the City Governing Body; or by refunding the amount of money paid on account of said purchase.
- C. Mausoleum and Columbarium. The Newton City Mausoleum and the Newton City Columbarium are part of the cemetery and are under the regulatory control and supervision of the City governing body. The cemetery staff has charge of the mausoleum and columbarium. The management and regulation of the mausoleum and columbarium are subject to the rules of the cemetery as far as the same are applicable.
- D. Cemetery Property: Destruction or Damage. It is unlawful for any person to willfully disturb, destroy, remove or attempt to remove any cornerstone in the City cemetery, or to willfully destroy, disturb, injure, remove or attempt to remove any tree, shrub or planting.
- E. Hours. No admittance to the cemetery is allowed between sunset and sunrise. Any unauthorized entry may be prosecuted as a trespass.
- F. Speed Limit. The speed limit in all areas of the cemetery shall not exceed ten miles per hour (10 mph).
- G. Chemicals. No one other than cemetery staff shall be allowed to spray any chemical agent including fertilizer, weed killers, herbicides, and ground sterilants.
- H. Vehicle Restrictions. No unauthorized vehicle shall be permitted to drive at any place within the cemetery except on driveways. Driving on walkways, grass, alleys, or in vacant spaces, etc. is prohibited. If any person or persons shall violate any of the provisions herein contained, they may be prosecuted.
- I. Violations. Repeat violators of cemetery rules and regulations are subject to denial of services, access to cemeteries and a \$500 fine.



Restlawn Cemetery (picture not to scale)

