



Town of Darrington Municipal Cemetery

RULES AND REGULATIONS

1. Rules and Regulations – Purpose – Amendments

- A. The rules and regulations set out herein are made only for the benefit of the grave owners and are designed to limit their rights insofar as such limitations are for the benefit of all. If the rules and regulations are not made, the exercise by certain ones, of what would seem to be their proper rights, would interfere with the rights and enjoyment of others, as well as destroy the general scheme and beauty of the property. No rule has been adopted except as is necessary to preserve the rights of all for whom the Town considers itself the trustee.
- B. The Town may, and hereby expressly reserve the right, at any time or times, to adopt new rules and regulations, or to amend, alter, or repeal any rule, regulation or article, section, paragraph or sentence in these rules and regulations. Any such change in rules and regulations shall be binding upon all parties without notice. Copies may be had upon application to the Town Clerk.

2. DEFINITIONS

- 2.1 “Burial” means the disposition of human remains by earthen burial in a grave.
- 2.2 “Cemetery” means the burial ground commonly known as the Darrington Cemetery, including, without limitations:
 - a. All land dedicated, reserved or used for interment of the remains of human dead
 - b. All vegetation therein
 - c. All graves, columbariums, niches or other interment spaces within
 - d. All works of art therein

- e. All roads, walkways and other structures of every kind therein
- f. All equipment and facilities incidental to the operation of Darrington Cemetery.

- 2.3 “Town” means the Town of Darrington
- 2.4 “Columbarium” means a structure or other space containing niches for permanent interment of cremated remains.
- 2.5 “Committal” means the part of a funeral service, which commits the remains of the deceased to their final resting place.
- 2.6 “Companion graves” means two single graves side by side or of one double depth grave.
- 2.7 “Cremated remains” means a human body after cremation in a crematory.
- 2.8 “Endowment care” means cutting of the common lawn areas and the general maintenance of the cemetery including building roads, fences, etc.
- 2.9 “Funeral” means a memorial service for a deceased person.
- 2.10 “Grave” means a space of land in a cemetery used or intended to be used for the burial of human remains.
- 2.11 “Grave owner” or “owner” means any person in whose name an interment plot stands of record as owner, in the records of the Cemetery at Darrington Town Hall.
- 2.12 “Human remains” or “remains” means the body of a deceased person, and includes the body in any stage of decomposition except cremated remains.
- 2.13 “Interment” means the burial or inurnment of human remains.
- 2.14 “Inurnment” means placing of cremated remains in an urn in a grave or columbarium.
- 2.15 “Memorial” means a monument, tombstone, grave marker, tablet or headstone identifying a grave or graves.
- 2.16 “Niche” means a space in a columbarium used or intended to be used for the inurnment of cremated human remains.
- 2.17 “Plot” means a grave.
- 2.18 “Vault” or “Liner” means any container that is buried in the ground and into which human remains are placed in the burial process.
- 2.19 “Cemetery staff” means Town of Darrington employees

3. CEMETERY OPERATIONS

- 3.1 Authority of Cemetery Staff. The Cemetery staff is/are empowered to enforce all rules and regulations and to exclude from the Cemetery any person violating the same.
- 3.2 Access ways and rights-of-way. The cemetery shall have an adequate access road leading to and from the cemetery property on the public road and shall be so situated that there shall not be created any traffic congestion or hazard. The Town Engineer shall be satisfied that property so selected shall not impede any potential rights-of-way, public or private.

4. REGULATIONS REGARDING CONDUCT WITHIN THE CEMETERY

- 4.1 Admission to Cemetery. Visitors and the public are invited to utilize the Cemetery in a manner consistent with its purpose as a place of interment and as a memorial, subject to the following.
- a. Headstones and monuments on the premises shall not be handled, climbed upon or otherwise mistreated.
 - b. No one shall deface or otherwise damage any monument or headstone.
 - c. Pets must be on a leash at all times. Animals are not allowed to defecate in any part of the Cemetery-- pet owners will be held liable for all cleanup expenses.
- 4.2 Vehicles – All vehicles must be kept under control at all times. No vehicle shall be driven in any part of the Cemetery except on the driveways laid out for that purpose. Vehicles shall not be driven in the Cemetery at a speed exceeding 10 miles per hour.
- 4.3 Conduct rules – It is of utmost importance that there be strict observance of all rules at all times and Town employees are authorized and directed to prevent improper assemblies or activities.
- a. Littering, including wilted or dead flowers and any other refuse is prohibited on drives, paths or any grounds or in any building.
 - b. It is forbidden to pluck any flower, break any branch or remove any tree or plant, nor shall anyone write upon, deface, or damage any memorial, fence or other structures within the Cemetery.

5. REGULATIONS REGARDING GRAVES, AND NICHE WITHIN THE CEMETERY.

- 5.1 Signs – No signs, notices or advertisements of any kind shall be allowed in the Cemetery, unless placed by the Town.
- 5.2 Interments per individual grave. Only 3 cremated remains or one casket and two cremated remains per single grave are allowed without written consent by Cemetery staff. No interment other than that of human beings will be permitted.
- 5.3 Outer burial container
- a. Every earth interment shall be enclosed in a concrete two-piece grave box, concrete vault or other unit of suitable material approved by Cemetery staff. *See Appendix B*
 - b. Cemetery staff or an approved supplier with suitable equipment and ability to perform shall perform the installation of these outer containers. All supplier installations will be under the direction of Cemetery staff.
- 5.4 Opening the Casket – Once a casket containing remains is within the boundaries of the Cemetery, the Town reserves the right to refuse permission to all persons to open the casket or to touch the remains. Viewing of the remains during a graveside service will be done only with a funeral director present. All other cases are subject to the consent of Cemetery staff and the legal representative of the deceased or a court order.

5.5 Burial or transit permit. No interment will be permitted without the proper burial permit as required by the County health authorities. A copy of the burial or transit permit or other documents acceptable must accompany cremated remains to the Cemetery to certify identity of the cremated remains.

5.6 INDIVIDUAL DECORATIONS

- a. Cut flowers and bouquets. Cut flowers and bouquets are allowed year-round. Cut flowers and bouquets will be removed from graves as soon as they become wilted or unsightly.
- b. Artificial flowers and decorations. Artificial flowers, potted plants and other decorations must be less than 36 inches in height and will be removed when they become faded or unsightly.
 1. New Burials: all flowers, plants, easels and decorations will be allowed to remain for two weeks. Persons wishing to retain any of the items must remove them with two weeks after interment.
 2. Holidays: all decorations shall be removed within two weeks after all holidays.
- c. Floral regulation. No flower receptacles or planter boxes, which extend beyond the perimeter of a plot, will be allowed. When, in the judgment of the Cemetery Board, decorations or plants become unsightly, dangerous, detrimental, diseased or do not conform to standards herein, the Town of Darrington shall have authority to remove all outsize floral designs, flowers, trees, shrubs, plants or herbage of any kind. The Town will not be liable for lost, misplaced plantings or broken vases. No decorations of any type can be attached to or hung from fences and no glass containers will be allowed. The Town reserves the right to set standards for decorating plots to project a pleasant setting for our “quiet park”.
- d. The Cemetery Advisory Board shall have the right to make exceptions for the foregoing rules when deemed advisable. Such exceptions shall not be considered as rescinding or waiving any of these rules. Any waiver that may be made by the Board shall not be or considered a continuing waiver and shall not bar the Town or Board from enforcing the usual rules and regulations at any later time if it may be desired so to do.
- e. If anything is placed on a grave that is deemed improper, it will be removed after notification.
- f. Plot surfaces must be covered with sod (grass) to facilitate mowing and maintenance. There will NO curbing, NO rocks, NO shrubs or trees, and NO planter boxes allowed exceeding 3 square feet.

- 5.7 Monuments, headstones, markers. Grave owners must maintain or replace any grave markers or monumental structures erected upon the grave. One marker per burial with a maximum of three markers per grave or companion graves will be allowed. A sturdy base is required under the headstone to maintain a level setting. The Town is not responsible for headstones. Purchase and placement is between the family and vendor. The Town has no responsibility to notify the family of the headstone's arrival or placement. Headstones shall not exceed 4 feet above ground. *See Appendix B*
- 5.8 Memorial benches, dedications, memorials and donations. All requests for memorial benches, dedications, memorials, donations, etc. will be submitted to the Cemetery Advisory board for approval.

6. REGULATIONS REGARDING INTERMENT AND SERVICE ARRANGEMENTS

- 6.1 Funerals, interments and committals. Funerals, interments and committals within the Cemetery will be under the control of the Cemetery staff or appropriate authority. All graves shall be opened and closed by employees of the approved supplier. All Cemetery charges must be paid prior to interment.
- 6.2 Notice of interments. Whenever interments are to be made, previous notice of at least 48 hours must be given in order that the grave may be properly prepared.
- 6.3 Arrangements for funerals and interments
- a. Office Appearance. Family of the deceased or friends, in the absence of family, taking responsibility for the funeral arrangements, shall come to the Town Hall in order to authorize the interment, make necessary arrangements and payment, thereof. Each family shall name one (1) representative to work with the Town for each interment, who will be responsible for any hold harmless agreements or other documents requiring signatures.
 - b. No telephone calls. The Town shall not be responsible for any order given by telephone or for any error arising from the want of precise and proper instructions as to the particular grave, where interment is desired.
 - c. Liability of signer. Any person signing the authorization for interment of remains warrants any fact set forth in the authorization, the identity of the person whose remains are sought to be interred and his/her authority to order the interment. He/she is personally liable for all damage occasioned by or resulting from breach of such warranty.

6.4 Purchase of Grave Space – Persons may reserve a grave space, but must pay for the lot at the time of reservation.

6.5 Funerals, burials and committals – Days allowed. No Sunday services. No services will be scheduled on the Saturday, Sunday or Monday of Memorial Weekend.

7. REMOVALS AND DISINTERMENT

7.1 Cemetery Policy – Remains once interred in Darrington Cemetery are considered permanently disposed of and removal from one grave to another within the Cemetery, or removal from Darrington Cemetery to any other Cemetery is strongly discouraged.

7.2 Procedure for Disinterment – The following shall be required by the Town to any disinterment of remains:

- a. Signed affidavit(s) of all nearest of kin approving the disinterment or removal.
- b. Signed approval of the lot holder or their lawful representative.
- c. Disinterment permit from the Washington State Department of Health for removal from Darrington Cemetery.
- d. The desired lot must be selected, all charges for disinterment and re-interment, together with all other charges due, must be paid in full prior to disinterment.

7.3 Removal Permit – Remains removed from other cemeteries and brought to Darrington Cemetery for re-interment must be accompanied by the proper papers as prescribed by law.

7.4 Liability – The Town will exercise utmost care in making a disinterment, but assumes no liability for damage to any casket, vault, liner, grave box, or any other burial case in making the removal or disinterment.

7.5 Outer Case Replacement – When, in the opinion of the Town, a new outer burial container is needed, at the time of re-interment, following a disinterment, the person arranging for the removal, through the Cemetery, must provide it.

7.6 Prior Notice – At least one week's prior notice is required for any disinterment or removal, after the rules and regulations have been complied with.

7.7 Removal for Profit Prohibited – Removal, by the heirs, of any remains so that the lot may be sold for profit, is absolutely forbidden.

8. OWNERSHIP RIGHTS

8.1 Rights attaching to graves – They are exempt from taxation and cannot be sold for debt or mortgaged.

8.2 Right of Interment – The purchaser of a lot or lots is granted or conveyed only the right of interment of human remains and the right of installation of a memorial on each lot. The owner of the right of interment does not possess a fee interest or any other interest in the land itself.

8.3 A notarized statement is required from the owner of the lots that allows other than the interment of immediate family members.

- 8.4 It is recommended by the Board than any future lot purchases be identified by individual names.
- 8.5 Titles and Rights to Cemetery Plots – Title and rights to cemetery plots shall be governed by chapter 68.32 RCW, now and hereafter amended.
- 8.6 Grade – The grade of all lots is established when the ground is surveyed and no change by the grave owner will be allowed.

9. REGULATIONS LIMITING LIABILITY OF THE TOWN

- 9.1 Remedy in Event of Error – The Town reserves the right to correct any errors that may be made by it either in making interments, disinterment or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Cemetery staff by refunding the amount of money paid on account of said purchase. In the event the error involves the interment of remains of any person in such property, the staff reserves, and shall have the right to remove and re-inter the remains to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The Town shall not be liable for any errors or omissions committed by funeral homes or other agencies handling burial arrangements.
- 9.2 Delays – The Town shall not be liable for any delay in the fulfillment of any of its contracts or legal obligations, including, but not limited to, maintenance, care, memorial work or construction which may arise from causes beyond its reasonable control and especially, from delays caused by the elements, thieves, vandals, strikes, malicious mischief matters, unavoidable accidents or other circumstances beyond the control of the Town.
- 9.3 Delay of Interment – The Town will in no way be liable for any delay in the interment of the remains when:
 - a. A written protest of the interment has been filed at Darrington Town Hall.
 - b. Rules and regulations have not been complied with.
 - c. Instructions regarding the location of a lot or plot cannot be obtained or are indefinite, or when for any reason the interment space cannot be opened where specified.

10. CEMETERY ADVISORY BOARD – MEMBERSHIP, TERM AND DUTIES.

- 10.1 The Cemetery Advisory Board shall consist of five members, appointed by the Mayor with the consent of the Town Council. All members shall reside within the Darrington School District boundaries.
- 10.2 Board members shall serve a term of 5 years. Terms of office shall be staggered so that not more than three terms will expire in the same year.
- 10.3 The Board shall serve as advisory to the Mayor and Town Council with respect to long range planning for the development and expansion of the Darrington Cemetery. Its duties shall include, but not be limited to:

- a. Advising the Mayor and Town Council on policy matters related to the long range planning, capital improvements, fee structure, cemetery expansion, rules and regulations, and budget of the Cemetery.
- b. The Board shall not have the authority to enter into any contract, incur any indebtedness, or take any personal action unless specifically authorized by the Mayor and Town Council.
- c. Soliciting or receiving on behalf of the Town Council, any gifts or bequests of money for Cemetery purposes; however, any gifts of real or personal property will not be accepted without prior approval of the Town Council.
- d. Sending their recommendations and requests to the Town Council to be placed on the regular Council Agenda for consideration. All actions taken by the Board will be ratified by the Town Council in the normal manner prior to said action being taken.
- e. Review Cemetery fees at least annually and recommending any needed changes to the Mayor and Town Council.

10.4 The Board shall elect a Chairperson and Vice-Chairperson from their members during the Month of September. Both officers shall serve terms of two years. The Chairperson shall preside at all meetings and the Vice-Chairperson shall preside if the Chairperson is absent.

10.5 A meeting of the Board shall be held at least four times a year, and additional meetings may be called when necessary. If a member has three unexcused absences in a row from meetings, they will be replaced.

11. MISCELLANEOUS REGULATIONS

11.1 Non-limitation – In all matters not specifically covered by these general rules and restrictions, the Town reserves the right to do anything which in its judgment is deemed reasonable in the Cemetery, and such determination shall be binding upon lot holders and all parties concerned.

11.2 Disposition of unused or abandoned lots – To preserve the active nature of the Cemetery, any interment space will be deemed abandoned if there is no recorded activity on the lot for a period of 30 years. Any lot deemed abandoned may be reclaimed by the Cemetery, in accordance with State Law, and disposed of as the Cemetery sees fit.

- a. Disposition of Unused Lots. Should a lot holder of unused interment space no longer need the lot in the Cemetery, they must sell the lot back to the Cemetery at the original purchase price. Under no circumstances can a lot be sold or gifted between private parties.
- b. If the owner opts to give a lot to family members or others, a notarized written document must be presented to the Town Clerk's office for the change to be recorded.

11.3 Miscellaneous Provisions – The Town and its assigns shall have full power and authority to adopt such additional rules and regulations as it may deem advisable for

the management, preservation, care and use of the Cemetery, and shall have full power and authority from time to time to enlarge, restrict, amend, abrogate or change any rules and regulations, and all such rules and regulations shall be binding upon grave owners and upon all other persons, firms and corporations concerned.

- 11.4 The Cemetery Board feels that it is the responsibility of every plot owner to maintain (or have maintained in their absence) the condition of his or her plots. The overall appearance of the Cemetery is important to the community.

12. APPENDIX A: Attached