NOTICE OF THE REGULAR MEETING OF THE
EAGAR CEMETERY COMMITTEE
September 26, 2016 AT 8:00 a.m.
EAGAR TOWN HALL
22 W. 2ND Street, Eagar, Arizona

PURSUANT TO A.R.S. 38-431.02, NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE TOWN COUNCIL OF THE TOWN OF EAGAR AND THE GENERAL PUBLIC THAT THE EAGAR CEMETERY COMMITTEE WILL HOLD A **REGULAR MEETING OPEN TO THE PUBLIC ON MONDAY, SEPTEMBER 26, 2016, BEGINNING AT 8:00 A.M.,** AT THE EAGAR TOWN HALL LOCATED AT 22 W. 2ND STREET, EAGAR, ARIZONA.

AGENDA

1. **WELCOME**
2. **ROLL CALL**
3. **OPEN CALL TO THE PUBLIC**
4. **CONSENT AGENDA**
   A. CONSIDERATION OF CEMETERY COMMITTEE BOARD MINUTES OF MAY 2, 2016 (BECKY CROSBY)
5. **NEW BUSINESS**
   A. DISCUSSION AND RECOMMENDATION TO REVISE EAGAR TOWN CODE CHAPTER 13.60 CEMETERY (TAMI RYALL)
   B. DISCUSSION ON WATERING OF THE FLOWER BARRELS AND TREES IN THE CEMETERY (BECKY CROSBY)
   C. DISCUSSION ON THE PREPAYMENT OF THE OPENING & CLOSING OF A GRAVE BY A MORTUARY (BRYCE BURNHAM)
6. **OLD BUSINESS**
   B. DISCUSSION OF OTHER CEMETERY BUSINESS (CEMETERY COMMITTEE)
7. **NEXT MEETING**
8. **ADJOURNMENT**

THE PUBLIC IS WELCOME TO PLACE ITEMS ON THE EAGAR CEMETERY COMMITTEE AGENDAS WITH THE APPROVAL OF THE CHAIRMAN BECKY CROSBY. ALL REQUESTS ARE DUE INTO THE TOWN CLERK'S OFFICE A WEEK PRIOR THE NEXT MEETING.

IF ANYONE WISHING TO ATTEND THIS MEETING HAS SPECIAL NEEDS DUE TO A DISABILITY, PLEASE CONTACT THE TOWN CLERK AT 928-333-4128 TWENTY-FOUR HOURS PRIOR TO THE MEETING AND ACCOMMODATIONS WILL BE PROVIDED. ALSO, ANYONE NEEDING INFORMATION ON THE CURRENT MEETING PLEASE CONTACT THE TOWN CLERK AT 928-333-4128.

POSTED BY: MARION WILTBANK

DATE: SEPTEMBER 22, 2016
TIME: 4:00 p.m.

MINUTES
REGULAR MEETING
EAGAR CEMETERY COMMITTEE
Eagar Town Hall
May 2, 2016 – 8:00 a.m.

Cemetery Committee Chairperson Becky Crosby welcomed those present and called the meeting to order at 8:05 a.m. Roll call is as follows:

PRESENT: Becky Crosby, Chairperson
Councilor Debra Seeley
Christine Heap
Linda Eagar
Bruce Ray, Public Works Director

ABSENT: Bryce Burnham
Norma Coddington

STAFF: Marion Wiltbank, Assistant Town Clerk

ITEM #3: OPEN CALL TO THE PUBLIC

No public in attendance.

ITEM # 4: CONSENT AGENDA

A. CONSIDERATION AND APPROVAL OF CEMETERY COMMITTEE BOARD MINUTES OF FEBRUARY 22, 2016

Christine Heap moved to accept the Cemetery Committee Board minutes of February 22, 2016. Debra Seeley seconded; all were in favor and the motion carried. 5-0

ITEM #5: OLD BUSINESS

A. DISCUSSION AND CONSIDERATION OF A CEMETERY BUDGET FOR FISCAL YEAR 2016/2017

This year the Cemetery Committee decided to budget $1,500:
$1,000 for benches
$300 for flowers
$200 spigots

B. DISCUSSION AND CONSIDERATION ON PLACEMENT OF THE FLOWER BARRELS IN THE CEMETERY AND BUYING FLOWERS FOR THE BARRELS

Becky Crosby and Christine Heap will order the flowers from the Dirt Girls Nursery. The flowers that will be order are red and white cascading petunias, snap dragons, spikes, and creepy greenery. Marion will get starts of ivy from her house to put in the corner flower bed.

C. DISCUSSION AND CONSIDERATION TO BUY BENCHES, TREES, SPIGOTS, AND HOSES FOR THE CEMETERY

Bruce Ray is buying new hoses for the cemetery and Public Works will place a water spigot in the northwest corner of Maple and sometime in June place another spigot in the cemetery. Marion Wiltbank will order benches around the first of July.

D. DISCUSSION OF OTHER CEMETERY BUSINESS

Becky Crosby and Christine Heap will not be at the Cemetery Clean Up Day on May 14, 2016 at 8:00 a.m. Christine Heap will clean out the flower bed and barrels by the flagpole. Becky Crosby will clean on Friday, May 13th.

Friday, May 27th is Flower Planting Day at 8:00 a.m.

Watering schedule for the first two weeks after planting:

May 28th, 29th, and 30th – Linda Eagar	June 1st – Debra Seeley
May 31st – Becky Crosby	June 2nd & 9th – Bryce Burnham
	June 3rd – Norma Coddington
	June 4th – Christine Heap

Mondays, June thru September – Christine Heap.
Wednesdays, June – Debra Seeley, July – Linda Eagar - then for August & September Debra Seeley.
Watering substitutes are: Linda Eagar, Norma Coddington, and Bryce Burnham.

Linda Eagar reported that the area around Arthur and Clarcia Eagar's graves were the ground was sinking. Marion will give the area block map to Public Works Ron Welch to check and have filled in.

ITEM #6: NEXT MEETING

Becky Crosby said the next meeting will probably be next year unless something comes up.

ITEM #7: ADJOURNMENT

Linda Eagar moved to adjourn the meeting. Debra Seeley seconded; all were in favor and the motion carried. 5-0

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Chairwoman Becky Crosby

TOWN OF EAGAR

MEMORANDUM

TO: Cemetery Committee Members

FROM: Eva Wilson, Town Clerk

THROUGH: Tami Ryall

DATE: September 15, 2016

SUBJECT: **Cemetery Code Revisions**

The Town has started its annual process of reviewing our fees. As part of that process, a couple items surfaced related to cemetery fees. As a result, we are proposing an update of the Eagar Municipal Code cemetery sections. The attached draft makes changes to the code, including:

- Eliminating double-depth plots;
- Creating flexibility to waive the transfer of owner ship fee; and
- General clean up to clean up sections, eliminate duplicate language, and improve readability.

Specific to the issue of double-depth plots, the Town has evaluated their use and determined that excavation crews do not have the proper equipment or continuous experience to excavate to the depths needed for double-depth graves. The numerous large headstones also prevent the use of the equipment that would be necessary to excavate to those depths safely. There are currently three double-depth plot reservations on file and we are working to transfer these plots into single plots. If the owner is not willing to exchange their double-depth plots for single plots, the Town will honor those reservations as they stand. No other reservations for double-depth will be considered.

Chapter 13.60

CEMETERY

Sections:

13.60.010 Purpose.
13.60.020 Uses.
13.60.030 Definitions.
13.60.040 Administration and maintenance.
13.60.050 Reservations and transfers of ownership of plots.
13.60.060 Application and fees.
13.60.070 ~~Burial~~ INTERMENT and exhumation; cremains.
13.60.080 Conduct within cemeteries.
13.60.090 Memorials and headstones; decoration of plots.
13.60.100 Use of motorized vehicles in cemeteries.
13.60.110 Enforcement and penalties.

13.60.010 Purpose.

The purpose of this chapter is to provide for the town of Eagar Cemetery, and to provide rules and regulations for the use, operation, maintenance and care of the cemetery. These rules shall apply to any cemetery owned and operated by the town of Eagar (town). For the mutual protection of plot owners and the cemetery as a whole, the following rules and regulations are hereby established for the Eagar Cemetery (cemetery). All plot owners and persons visiting the cemetery will be expected to abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining this cemetery as a peaceful and beautiful area as well as a reverent symbol of respect for the dead.

All burial plot owners, visitors, town employees, persons working directly or indirectly for burial plot owners and all burial plots sold shall be subject to these rules and regulations, and subject further, to such other ordinances, rules and regulations, amendments or alterations as shall be adopted by the town from time to time. The reference to these rules and regulations in the reservation agreement to burial plots shall have the same force and effect as if set forth in full therein.
(Ord. No. 2011-01, Exh. A, 3-15-2011; Ord. No. 2012-08, Exh. A, 8-21-2012)

13.60.020 Uses.

The cemetery shall be used exclusively for the ~~burial~~ INTERMENT of human beings and their remains.
(Ord. No. 2011-01, Exh. A, 3-15-2011; Ord. No. 2012-08, Exh. A, 8-21-2012)

13.60.030 Definitions.

For the purpose of these rules and regulations, the following terms and words shall have the following meaning:

"Adult" means persons ten years of age or older.

"Apache County resident" means an Apache County resident and shall be described as a full-time resident or property owner outside the corporate boundary limits of the town of Eagar but within the limits of Apache County.

~~"Aspen section" is the name of the first section furthest to the north, in the old cemetery of the town of Eagar.~~

~~"Block" shall contain lot(s) such as 1, 2, 3 or a "through x", which contain an inconsistent but determined number of plots.~~

"Burial plot (plot)" means a single plot within the cemetery designated for the interment of the remains of one deceased person, or four cremains, or one deceased person and four cremains.~~, or double-depth plots~~.

~~"Cedar section" is the name of the third section from the north, in the old cemetery of the town of Eagar.~~

"Cemetery" shall mean any cemetery which is owned, managed or maintained by the town of Eagar.

"Child" means persons thirteen months to nine years of age.

"Cremains" means the cremated remains of a human body.

~~"Disinterment" means the removal of the buried remains of a deceased person from earth burial—exhumation.~~

~~"Double-depth burials" means two caskets in the same plot with the first casket to be buried in the lower section of the double-depth lawn crypt and the last/second casket to be buried in the upper section of the crypt.~~

~~"Double-depth lawn crypt" means outer container required for double-depth burials.~~

"Eagar resident" means a town of Eagar resident and shall be described as a full-time resident of Eagar and/or a person owning Eagar property.

"Exhumation/exhume" means to disinter, to dig out of the earth.

~~"Footstones" means an individual can pay for a footstone to be placed at the foot of a plot that will have the maximum size of twenty-four inches in width and sixteen inches in depth and flat and level with the ground.~~

"Indigent" means a person who dies in the town without resources for burial. The ~~burial~~ INTERMENT of the indigent deceased and the disposal of their property will be in accordance with A.R.S. Title 11, Chapter 3, Article 12, Section 11-600.

"Infant" means persons zero to twelve months of age.

"Interment" means the permanent disposition of the remains of a deceased person by cremation and burial or entombment and burial.

~~"Juniper section" is the name of the fourth section from the north, in the old cemetery of the town of Eagar.~~

"Lot" shall mean a group of plots within a division designated on the plat as a lot.

~~"Maple section" is the name of the sixth section which is the most southern section, of the cemetery of the town of Eagar.~~

"Marker" means a memorial flush with the ground, generally located at the foot of a plot THAT WILL HAVE THE MAXIMUM SIZE OF TWENTY-FOUR INCHES IN WIDTH AND SIXTEEN INCHES IN DEPTH.

"Memorial" means a designated monument, marker, tablet or headstone for family or individual use.

"Monument" shall include a tombstone or memorial of granite, or other material, which shall extend above the surface of the ground.

~~"Oak section" is the name of the second section from the north, in the old cemetery of the town of Eagar.~~

"Owner" means the person who is listed in the records kept by the town as owning an interest in a burial plot or lot.

"Ownership" means 1) For plots owned at a family level, no names are required to be assigned to individual plot(s) but all plots are held in the name of the owner; 2) For individual plot(s) ownership is assigned to a specific name by the owner 3) Plots assigned a specific name and then sold or given to a different individual ~~will~~ MAY require payment of a transfer of ownership fee.

~~"Plot" means one burial grave.~~

~~"Potter gravesites" means a number of plots located in the Eagar Cemetery designated for the burial of unclaimed bodies or indigent burials.~~

"Recording fee" means a fee for recording any change in title or ownership in any single plot in the cemetery after initial conveyance of same by the town.

"Reservation" means when a plot has been selected and is either paid for in full or the buyer is actively making payments.

"Reservation fee" means a one-time-only fee, at time of first payment (including when paying in full for plot), for each plot reserved.

~~"Rubbish" shall include trash, debris, rubble, stone, useless fragments of building materials, and other miscellaneous, useless waste or rejected matter.~~

~~"Shrub" means a woody plant, smaller than a tree, consisting of several small stems from the ground, or small branches near the ground, and may be deciduous or evergreen.~~

"Springerville resident" means a town of Springerville resident and shall be described as a full-time resident of Springerville and/or a person owning Springerville property.

~~"Spruce section" is the name of the fifth section (middle upper), of the cemetery of the town of Eagar.~~

"Transfer of ownership fee" means a fee paid to transfer the ownership of a plot to another person and is only allowed if the plot is paid for in full (excluding family plots that do not have specific names assigned to the plot).

~~"Tree" means a woody, perennial plant, ordinarily with one main stem or trunk, which develops many branches, and which ordinarily grows to a height of ten feet or more with a diameter in excess of six inches at a height of five feet. Any self-supporting, woody plant having at least one well-defined stem.~~

"Unclaimed body" means no person takes charge of the body of the deceased. The ~~burial~~ INTERMENT of the unclaimed deceased and the disposal of their property will be in accordance with A.R.S. Title 11, Chapter 3, Article 12, Section 11-600.

"Vault" means an outer container required for single plots made out of reinforced concrete or poly fiberglass dome and base.

~~"Vegetation" means any tree, shrub, herb, grass, fern, or flower.~~

(Ord. No. 2011-01, Exh. A, 3-15-2011; Ord. No. 2012-08, Exh. A, 8-21-2012)

13.60.040 Administration and maintenance.

A. The town clerk's office shall be responsible for the administration AND RECORD KEEPING of the cemetery. The town public works department shall be responsible for the PLATTING, operation and maintenance of the cemetery.

~~B~~C. Prior to internment, family member or responsible party will be asked to provide basic information TO THE TOWN on the individual planned to occupy the site—record of burial. ~~The town of Eagar, as part of the public record, keeps this information.~~

~~C~~B. The town shall have the right to change, modify, or re-plat the plot(s) or uses in any part of the cemetery not previously reserved for burial purposes. ~~Town of Eagar Cemetery shall be platted into lots and plots by the public works department, and the town clerk will maintain and keep in his/her office a plat of said cemetery as a public record.~~

~~D. All applications for reservations or transfers of ownership for burial plot(s) shall be made in writing on forms provided by the town clerk's office.~~

~~E~~D. All instructions for burial shall be in writing and on forms provided by the town.

~~F~~E. The town of Eagar reserves to the town the perpetual right of entry, use and control of the cemetery land for purposes of maintenance and operation of the cemetery.

~~G~~F. All human remains disposed of within the town shall be disposed in the Eagar Cemetery. Remains shall not be disposed on any other public or private property in the town.

~~H~~G. The public works director in consultation with the town manager reserves the right to make exceptions, suspensions, or modifications of any of the rules and regulations without notice when, in their judgment, such action appears necessary for the efficient, fair operation of the cemetery. Any such exceptions, suspension, or modification shall in no way be construed as affecting the general application of this chapter and shall not act as a waiver of any of the provisions herein.

~~I~~H. Appeals for decisions made by the town clerk's office and or the public works director relating to the administration and maintenance of the cemetery shall be made first to the cemetery board in writing and then to the town manager in writing, either to uphold the action of the cemetery board or reverse that action or make a decision of his/her own. Then if the decision of the town manager still does not provide redress to a person aggrieved, the appeal will then go to the town council in writing. The council shall, at its next regular meeting after receiving the appeal, hear and determine the same, and the decision of the council shall be final. The council may either affirm or reverse the decision of the clerk/public works director. The council's decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown in the written appeal.

~~J. No signs or notices or advertisements of any kind shall be permitted within the cemetery.~~

~~K. Dogs or other animals shall not be allowed in the cemetery grounds.~~

~~1. The owner or keeper of any dog or animal that trespasses upon the cemetery grounds shall be liable for any damage done by said dog or animal. The town shall not be liable for any damage done by dogs or other animals and does not assume responsibility for keeping dogs or other animals out of the cemetery grounds.~~

~~2. It shall be a defense to this section if such dog is, at all times while in the cemetery, confined inside an enclosed motor vehicle.~~

~~3. It shall be a defense to this section if the dog is trained to assist visually- or hearing-impaired individuals and is, at the time when in the cemetery being used, to assist a visually- or hearing-impaired individual.~~

(Ord. No. 2011-01, Exh. A, 3-15-2011; Ord. No. 2012-08, Exh. A, 8-21-2012)

13.60.050 Reservations and transfers of ownership of plots.

A. The town CLERK'S OFFICE will show available plot locations and prepare FOR PLOTS TO BE BOUGHT OR SOLD, AND cemetery reservation agreements TO BE PREPARED for selected plot sites. PLOT ~~R~~reservation sales or transfers of ownership are not complete or final until the purchaser pays for the plot(s) IN FULL, ~~and~~ OR APPLIES PAYMENT AND signs the reservation agreement.

~~C~~B. A CEMETERY CERTIFICATE OF RESERVATION GRANTS RIGHT OF BURIAL ONLY AND DOES NOT CONVEY ANY OTHER TITLE TO THE PLOT~~.~~; ~~N~~no deed to a cemetery plot shall be issued. The reservation agreement or ~~a reservation~~ transfer of ownership agreement shall constitute the sole agreements between the town of Eagar and the purchaser.

~~B~~C. No ~~burial~~ INTERMENT or placing of a memorial shall be permitted until the reservation sale is completed and the purchase price has been paid in full. No ~~burial~~ INTERMENT of any person, family or heirs shall be allowed without proof of the reservation interest to the town clerk's office.

D. THE TOWN CLERK SHALL KEEP A RECORD OF PLOTS SOLD, INCLUDING THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PURCHASER AND THE DATE EXECUTION OF ANY RESERVATION. It shall be the sole responsibility of the reservation agreement holder to keep the town informed of the correct mailing address. Notices or other correspondence mailed to purchasers, their legal representatives or heirs shall be deemed delivered and received three days after the town's mailing of the notice or correspondence to the address on file with the town clerk's office.

~~E. A plot reservation may be sold or transferred with written approval from the town clerk's office and the transfer of ownership fee is paid in full.~~

~~F. No plot shall be bought or sold without written permission from the town clerk or his/her designee, and all titles to lots shall pass through the town and the transfer of ownership fee is paid in full. No transfer of ownership of plots shall be effective unless the plot is paid for in full and a record of the reservation agreement is filed for record with the town clerk.~~

~~G. All applications and agreements for reservation plot sales or transfers of ownership shall be in writing on forms provided by the town. The town will recognize no other agreements or contracts.~~

~~H~~E. The town of Eagar may repurchase any cemetery plot from the owner for the original price, paid upon written request of the owner or his legal heirs or representative and presentation of the plot reservation or cemetery plot certificate.

~~I~~F. The town of Eagar recognizes the original named buyer of the cemetery plot(s) as the owner, and if not assigned or transferred to a specific individual, after their demise the town will recognize ownership as stated in a legal will or trust. In the absence of a legal will or trust, the ownership will be determined in accordance with A.R.S. Title 14, Chapter 2, Article 1, pertaining to intestate succession.

~~J. The town clerk shall keep a record of plots sold, including the name, address and telephone number of the purchaser and the date execution of any reservation.~~

~~K. The cemetery certificate of reservation grants right of burial only and does not convey any other title to the plot.~~

~~L~~G. The town of Eagar or its employees assume no responsibility for actual damages or mental anguish in the performance of its normal operations, or loss by vandalism or other acts beyond its reasonable control.

(Ord. No. 2011-01, Exh. A, 3-15-2011; Ord. No. 2012-02, Exh. A, 3-6-2012; Ord. No. 2012-08, Exh. A, 8-21-2012)

13.60.060 Application and fees.

A. Applications for the purchase, RESERVATION, or transfer of ownership ~~of a reservation~~ for a cemetery plot shall be made on forms provided by the town. The appropriate purchase, RESERVATION, RECORDING OR ~~/~~ transfer of ownership fee shall accompany all applications.

B. All cemetery fees including COST OF PLOTS, reservation fees, transfer of ownership fees, ~~disinterment~~ INTERMENT fees, RECORDING FEES, EXHUMATION FEES, and other special fees related to cemetery plots shall be set from time to time by resolution of the town council. ~~The town clerk's office shall keep a copy of the current charges, available during normal business hours.~~

C. PREPAYMENT OF INTERMENT WILL BE ACCEPTED, HOWEVER CUSTOMER WILL PAY THE DIFFERENCE OF CURRENT INTERMENT FEES.

~~C~~D. ~~The reservation agreement of any plot shall be executed by the town clerk's office, shall be sold in strict accordance with this chapter, and shall be subject to the provisions of this chapter.~~ THERE SHALL BE A ONE TIME RESERVATION FEE PER PLOT. ALL RESERVATION AGREEMENTS FOR A PLOT SHALL BE PAID IN FULL WITHIN TWO YEARS FROM THE EXECUTION OF THE AGREEMENT. A MINIMUM MONTHLY PAYMENT WILL BE NECESSARY PER THE FEE SCHEDULE AND ANY REMAINING BALANCE AT THE END OF THE TWO YEARS WILL REQUIRE AN IMMEDIATE PAYMENT OF THE REMAINING BALANCE. IF PAYMENT IN FULL IS NOT MADE WITHIN THE TWO-YEAR TIME PERIOD, ANY AND ALL FUNDS PAID WILL FIRST BE COLLECTIVELY PAID ON ONE PLOT UNTIL PAID IN FULL AND THEN THE NEXT AND SO ON UNTIL AS MANY PLOTS THAT CAN BE PAID IN FULL ARE. ANY FUNDS WILL BE FORFEITED, AND PLOT(S) NOT PAID IN FULL WILL BE ELIGIBLE FOR RESALE BY THE TOWN.

~~D~~E. There shall be a recording fee for recording any change in title or ownership in any plot in the cemetery after initial conveyance of same by the town.

F. THE TOWN MAY ESTABLISH A PERPETUAL FUND FEE FOR THE FUTURE CARE AND MAINTENANCE OF THE CEMETERY AND SHALL BE SET FROM TIME TO TIME BY THE TOWN COUNCIL.

~~E~~G. A resident of Eagar and/or a person owning Eagar property can purchase a burial plot at the town of Eagar resident rate. Former residents of Eagar with relatives buried within the town of Eagar Cemetery may purchase burial plots at the Apache County resident rate. Out-of-Apache County resident can purchase burial plots at the Out-of-Apache County rate. A resident of Springerville can purchase a burial plot at the Springerville resident rate.

~~F~~H. The price for a lot shall be the aggregate of the price for each burial plot located within such lot.

~~G. All reservation agreements for a plot shall be paid in full within two years from the execution of the agreement. A minimum monthly payment will be necessary per the fee schedule and any remaining balance at the end of the two years will require an immediate payment of the remaining balance. If payment in full is not made within the two-year time period, any and all funds paid will first be collectively paid on one plot until paid in full and then the next and so on until as many plots that can be paid in full are. Then the funds that are left will be forfeited, and plot(s) not paid in full will be eligible for resale by the town.~~

~~H~~I. Town employees are not permitted to do any work for plot owners except at the direction of the public works director and are prohibited from receiving tips or gratuities.

~~I~~J. No lot or burial plot shall be sold to or purchased by a funeral director or other person for purposes of resale or speculation.

(Ord. No. 2011-01, Exh. A, 3-15-2011; Ord. No. 2012-08, Exh. A, 8-21-2012)

13.60.070 ~~Burial~~ INTERMENT and exhumation; cremains.

A. All ~~burials~~ INTERMENTS and exhumations~~/disinterment~~ of bodies are subject to the laws of the state of Arizona and this chapter.

B. Charges for ~~burial~~ INTERMENT and exhuming services provided by the town shall be established by the town council, and shall be payable in advance. ~~Prepayment of interment will be accepted, however customer will pay the difference of current interment fees.~~ The town of Eagar is solely responsible for ~~excavating of interments~~ EXHUMATIONS. The town shall not assume any liability for any damage to a casket, urn or other such container incurred in making a removal.

C. Forty-eight-hours' (excluding weekends and holidays) advance notice shall be provided to the town clerk's office for any ~~burial~~ INTERMENT.

D. Seven-days' advance, written notice shall be provided to the town clerk's office for any ~~exhuming services~~ EXHUMATION.

E. No more than one body may be buried in any one single plot except in the case of a mother and an INFANT OR child, or two INFANTS OR children interred at the same time ~~or double-depth burials (as allowed in subsection F. below)~~. However, with consent of the owner or heirs of the owner of a plot, an exception may be made to permit no more than one regular burial ~~or double-depth burial~~ and up to four additional cremains in any one plot or four cremains in one plot.

~~F. Double-depth burials are allowed in plots sections designated for that purpose. A double-depth lawn crypt will be required for double-depth burials.~~

~~G~~F. All ~~single-~~casketed ~~burials~~ INTERMENTS, excluding infant burials, must include a vault.

~~H~~G. In case of an indigent who dies in the town without resources for ~~burial~~ INTERMENT, the town will assign a burial plot~~, right to which will remain with the town~~.

~~I~~H. In the event a deceased, unclaimed body is found, it is the responsibility of Apache County to care for the corpse. The town of Eagar requires all unclaimed bodies which will be buried in the Eagar Cemetery to be cremains only with any financial burden absorbed by Apache County. All rules, regulations, and ~~burial~~ INTERMENT procedures must be abided by Apache County.

~~J~~I. In the event that the cremains of an unclaimed body is interred or disinterred in the Eagar Cemetery, excavating fees will be waived by the town of Eagar.

~~K~~J. All cremains shall be buried and appropriate arrangements for the burial shall be scheduled with the town clerk's office. Cremains shall not be scattered in the cemetery or buried without the town's written permission.

~~L~~K. In the absence of acceptable evidence of ownership, the town reserves the right to refuse to open any burial plot and to refuse to conduct a burial. If, for any reason a plot in a requested location cannot be used, to prevent a delay in ~~burial~~ INTERMENT or funeral services the town clerk's office may provide one in an available location.

~~M~~L. The town shall not be liable for any delay in burial where protest by a deceased person's legal representatives or heirs have been made, or where the law, or rules and regulations have not been complied with.

~~N~~M. Human remains are the responsibility of the decedent's family, heirs, or executor until buried. During any legal process or protest which delays or prohibits the town from burying any person, the family, heirs, or personal representative shall store the human remains until the legal process or protest is resolved. The town shall be reimbursed for any expenses related to ~~burial~~ INTERMENT or the exhuming of any ~~body or~~ remains as a result of such protest or legal process.

~~O~~N. Caskets containing remains or cremains, once buried, will not be opened or removed except in accordance with state law, and without the written consent of personal representative or other legal representative of the deceased, or an order from a court of competent jurisdiction.

~~P~~O. Removal by the heirs of a body so that the burial plot may be sold for profit to themselves or to any other persons, or removal contrary to the expressed or implied wish of the original burial plot owner~~, is repugnant to the ordinary sense of decency and~~ is absolutely forbidden.

~~Q~~P. The interment of bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the Arizona State Board of Health.

~~R~~Q. In the event of a disaster which results in numerous burials for the cemetery, the public works crew will work as deemed necessary by the public works director. The public works director shall have the authority to void any and all of these rules and regulations as necessary in order to handle the numerous burials as orderly and as quickly as possible.

~~S~~R. No interment or interment service will be allowed on Sundays or on any national holiday without the consent of the town.

~~T~~S. No ~~burials~~ INTERMENT shall be conducted after official sunset.

(Ord. No. 2011-01, Exh. A, 3-15-2011; Ord. No. 2012-08, Exh. A, 8-21-2012)

<u>13.60.080</u> <u>Conduct within cemeteries.</u>

A. Visitors are reminded that cemetery grounds are considered sacred and a strict observance of accepted decorum shall be required at all times.

B. Visitors will use the walkways and roads provided to access plots.

C. No person shall dispose of any ~~rubbish,~~ trash, waste materials, litter, or debris of any kind in the cemetery.

D. No person shall cut down, injure, break or destroy any tree, shrub or other plant growing in the cemetery or to pick, pluck or cut any flower or decorative plant in the cemetery.

~~E. Firearms, other than those carried by police officers or which will be used in approved military honor funeral services, are prohibited in the cemetery.~~

~~F~~E. No person shall interfere with the conduct of a funeral, graveside service, burial or exhuming of a body at the cemetery.

~~G~~F. No person shall desecrate, vandalize, deface, tear down or injure any property, plot, headstone, monument, fence, tree or shrub in the cemetery. Likewise, no person shall disturb, destroy, deface, desecrate, vandalize, tear down or injure any decorations, flowers or other tokens of remembrance placed at any plot or within the cemetery.

~~H~~G. No person shall enter into or be upon the cemetery grounds of the town during the time after sunset and before sunrise of any day without first obtaining the written permission of the town.

~~I~~H. Sale of any goods or services on cemetery property is strictly prohibited unless the town gives prior, written authorization.

~~J~~I. NO SIGNS OR NOTICES OR ADVERTISEMENTS OF ANY KIND SHALL BE PERMITTED WITHIN THE CEMETERY.

~~K~~J. DOGS OR OTHER ANIMALS SHALL NOT BE ALLOWED IN THE CEMETERY GROUNDS.

1. THE OWNER OR KEEPER OF ANY DOG OR ANIMAL THAT TRESPASSES UPON THE CEMETERY GROUNDS SHALL BE LIABLE FOR ANY DAMAGE DONE BY SAID DOG OR ANIMAL. THE TOWN SHALL NOT BE LIABLE FOR ANY DAMAGE DONE BY DOGS OR OTHER ANIMALS AND DOES NOT ASSUME RESPONSIBILITY FOR KEEPING DOGS OR OTHER ANIMALS OUT OF THE CEMETERY GROUNDS.

2. IT SHALL BE A DEFENSE TO THIS SECTION IF SUCH DOG IS, AT ALL TIMES WHILE IN THE CEMETERY, CONFINED INSIDE AN ENCLOSED MOTOR VEHICLE.

3. IT SHALL BE A DEFENSE TO THIS SECTION IF THE DOG IS A TRAINED SERVICE ANIMAL AND IS KEPT ENTIRELY UNDER THE CONTROL OF ITS OWNER.

(Ord. No. 2012-08, Exh. A, 8-21-2012)

13.60.090 Memorials and headstones; decoration of plots.

A. ~~If a family chooses~~ BURIAL PLOT OWNERS OR HEIRS MAY CHOOSE to buy a headstone, they will do this at their own cost. All headstones ~~or markers~~ in the cemetery shall have a concrete or granite foundation set at ground level with a minimum four-inch border, which shall be set by an approved monument vendor or a family representative who will be under the direct supervision of town personnel. Family members or monument vendor must contact the town of Eagar prior to setting a headstone so it can be placed in the correct location. In performing the regular duties of administering and maintaining the cemetery, the town of Eagar will not be held liable for any damage to headstones, bases, or foundations.

B. Only one headstone will be allowed for each plot, and this shall be placed at the head of the plot. In the event a family monument headstone is placed at the head of a group of plots, an individual marker may be placed at the foot of each plot for individuals buried there. Government markers such as military markers may also be placed at the foot of the plot in addition to the headstone. ~~Footstones can be placed at the foot of a plot that will have the maximum size of twenty-four inches in width and sixteen inches in depth and flat and level to the ground.~~

C. All headstones, bases, and foundations shall fit and be placed within the purchased plot boundaries.

D. The town shall not be responsible for the preservation and care of any headstones, markers or memorials installed in the cemetery.

E. Since the town does not have a full-time cemetery groundskeeper; daily maintenance of sites is not performed. In order to establish grass on plots and to allow access for the sprinkler system and mowing machines, no rock, gravel, wood, or similar type of ground covering will be allowed. No fences, curbing, borders or barriers are allowed around plots or individual plots, except for those already in existence (grandfathered in as of the date of the approval of this chapter).

F. If existing fences are not in good and attractive condition, written notice will be given to the plot owner (or their heir) to bring their fence into compliance within thirty days. If after the thirty-day period said fence is not in compliance, the public works department shall remove the fence at the owner's or heir's expense. If the existing fence is removed, a new fence will not be allowed, to comply with current Section 13.60.090E.

G. The placing of decorations, cut flowers or plastic flowers, or other small tokens of remembrance at individual plots shall be permitted; however, the town shall not be responsible for the care of such decorations, flowers, tokens of remembrance or the containers that they are placed in. The town may remove, without notice, all decorations, flowers, real or artificial, tokens of remembrance, tattered flags, or other things that are deteriorated or broken and articles that blow from plots on an as-needed basis.

H. The town shall not be held liable for lost, misplaced or broken flower vases or other decorations, or for damage by the elements, thieves, vandals, or by causes beyond its control. The town

reserves the right to regulate the method of decorating burial plots and the right to remove any decoration so that a uniform beauty may be maintained.

I. The placement of permanent decorations or small tokens of remembrance shall only be permitted with the express, written permission of the town.

J. No person shall plant any tree, shrub or other plant at individual plots except those permitted and approved in writing by the town.

K. The town will determine the allocation of water at the cemetery to handle drought conditions that can occur in the area. Those who personally maintain plots of loved ones may be asked to not use extra water in addition to the automatic sprinkler system.

(Ord. No. 2011-01, Exh. A, 3-15-2011; Ord. No. 2012-02, Exh. A, 3-6-2012; Ord. No. 2012-08, Exh. A, 8-21-2012; Ord. No. 2016-02, Exh. A, 4-5-2016)

13.60.100 Use of motorized vehicles in cemeteries.

A. No person shall drive any motorized vehicle within the cemetery except upon driveways designated for that purpose.

B. Vehicles shall not be operated in excess of five miles per hour within cemeteries.

C. Vehicles shall not drive or park off of hard-surfaced roads.

D. Vehicles shall not be parked or left standing where the vehicle blocks other traffic or prevents other vehicles from using or traveling on the cemetery roads. The town of Eagar reserves the right to have any vehicle violating this section removed at the owner's expense.

E. Funeral processions entering the cemetery shall be under the direction and control of the town police department. Unless exception is made by the town in writing, a licensed funeral director shall be present at all times and shall conduct services as provided by existing state laws, the Town Code, and applicable rules and regulations.

(Ord. No. 2011-01, Exh. A, 3-15-2011)

13.60.110 Enforcement and penalties.

A. The town police department and the code enforcement officer shall, in connection with their duties, enforce the provisions of this chapter.

B. The town police department and the code enforcement officer shall have the authority to order any person or persons acting in violation of this chapter to leave the cemetery.

C. Violators of this chapter may be cited using the uniform traffic citation form or any other form approved by the chief of police. The citation shall show the specific section or sections alleged to have been violated, a brief description of the violation, whether the citation is for a civil or criminal offense, and whether the violation is charged as a second, third or greater offense. If there is no designation of a second or greater offense, the citation shall be considered a first offense.

D. Violations of the following sections of this chapter shall be charged on the first and subsequent offenses as a class 2 misdemeanor:

1. Section 13.60.020.
2. Section 13.60.050C.
3. Sections 13.60.080C, D, E, F, G, H, ~~and~~ I AND J.
4. Sections 13.60.100A, B, C, and D.

E. Civil Violations. When a violation of this chapter, except as set forth in Section 13.60.110D, above, is undesignated or designated a first offense by the enforcement officer or the town attorney, a

person found to have been in violation of this chapter shall be deemed to have committed a civil offense and shall be subject to a civil penalty of not less than fifty dollars nor more than five hundred dollars, plus restitution for personal injuries, property damage or any other economic loss suffered by any person including the town.

F. Criminal Violations. When a person convicted of a violation of this chapter is a person who has been previously convicted of a violation of a provision of this chapter within a period of twelve months, the person shall be deemed to have committed a class 2 misdemeanor, pursuant to A.R.S. Title 13, Chapters 6, 7 and 8, as amended, and shall be subject to a fine of not less than seventy-five dollars nor more than seven hundred fifty dollars for each violation or count, plus surcharges, fees and restitution for personal injuries, property damage or any other economic loss suffered by any person including the town.

(Ord. No. 2011-01, Exh. A, 3-15-2011; Ord. No. 2012-02, Exh. A, 3-6-2012)

EAGAR CEMETERY
Certificate of Reservation and
Transfer of Ownership Agreements

Date: _____

Name: _____

Address: _____

_____

Phone Number(s): _____

Email address: _____

RESERVED:

BLOCK # ____ LOT # ____ GRAVE # ___ BLOCK # ____ LOT # ____ GRAVE # ___

BLOCK # ____ LOT # ____ GRAVE # ___ BLOCK # ____ LOT # ____ GRAVE # ___

BLOCK # ____ LOT # ____ GRAVE # ___ BLOCK # ____ LOT # ____ GRAVE # ___

BLOCK # ____ LOT # ____ GRAVE # ___ BLOCK # ____ LOT # ____ GRAVE # ___

PLOT FEE $_____

RESERVATION PAYMENT FEE $_____

TRANSFER OF OWNERSHIP FEE $_____

RECORDING FEE $_____

INTERNMENT FEE $_____

COMMENTS: _____

PURCHASER: _____

SELLER: _____

TOTAL AMOUNT PAID: $_____ DATE _____

APPROVED BY: _____

TOWN OF EAGAR CEMETERY
PURCHASE AGREEMENT RULES

I, the undersigned, understand and accept the Plot Agreement Rules as set forth by the Town of Eagar for the Town of Eagar Cemetery.

_____ _____
Signature Date

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Eagar
where roads hit the trails

EAGAR CEMETERY
Certificate of Reservation and
Transfer of Ownership Agreements

DATE: _____

NAME: _____

ADDRESS: _____

PHONE NUMBER(S): _____

EMAIL ADDRESS: _____

RESERVED:

BLOCK #: ____ LOT #: ___ GRAVE #: ___ BLOCK #: ____ LOT #: ___ GRAVE #: ___

BLOCK #: ____ LOT #: ___ GRAVE #: ___ BLOCK #: ____ LOT #: ___ GRAVE #: ___

BLOCK #: ____ LOT #: ___ GRAVE #: ___ BLOCK #: ____ LOT #: ___ GRAVE #: ___

BLOCK #: ____ LOT #: ___ GRAVE #: ___ BLOCK #: ____ LOT #: ___ GRAVE #: ___

PLOT FEE $_____

RESERVATION PAYMENT FEE $_____

TRANSFER OF OWNERSHIP FEE $_____

RECORDING FEE $_____

INTERNMENT FEE $_____

COMMENTS: _____

PURCHASER: _____

SELLER: _____

TOTAL AMOUNT PAID: $_____ DATE _____

APPROVED BY: _____

TOWN OF EAGAR CEMETERY
PLOT AGREEMENT RULES

The Town of Eagar is solely responsible for opening and closing of plots (graves). Forty-eight (48) hours (excluding weekends and holidays) advance notice shall be provided to the Town Clerks Office for any burial.

Prior to internment, family member or responsible party will be asked to provide basic information on the individual planned to occupy the site—Record of Burial.

No interment or interment service will be allowed on Sundays or on any national holiday without the consent of the town. No burials shall be conducted after official sunset. No person shall enter into or be upon the cemetery grounds of the town during the time after sunset and before sunrise of any day without first obtaining the written permission of the town.

The cemetery shall be used exclusively for the burial of human beings and their remains.

No more than one (1) body may be buried in any one (1) single plot, except in the case of a mother and an infant/child or two infants/children interred at the same time. However, with consent of the owner or heirs of the owner of a plot, an exception may be made to permit no more than one (1) regular burial and up to four (4) additional cremains in any one (1) plot or four (4) cremains in one (1) plot.

All single casketed burials, excluding infant burials, must include a vault.

Payment of Plot(s)
No burial or placing of a memorial shall be permitted until the plot sale is completed and paid in full.

All reservation agreements for a plot shall be paid in full within two years from the execution of the agreement. A minimum monthly payment will be necessary per the fee schedule and any remaining balance at the end of the two years will require an immediate payment of the remaining balance. If payment in full is not made within the two-year time period, any and all funds paid will first be collectively paid on one plot until paid in full and then the next and so on until as many plots that can be paid in full are. Any funds will be forfeited, and plot(s) not paid in full will be eligible for resale by the town. (Eagar Town Code 13.60.060(D)

Memorials, Headstones and Decoration of Plots
Burial plot owners or heirs may choose to buy a headstone, they will do this at their own cost. All headstones in the cemetery shall have a concrete or granite foundation set at ground level with a minimum four-inch (4 inch) border, which shall be set by an approved monument vendor or a family representative who will be under the direct supervision of town personnel. Family members or monument vendor must contact the town of Eagar prior to setting a headstone so it can be placed in the correct location. In performing the regular duties of administering and maintaining the cemetery, the town of Eagar will not be held liable for any damage to headstones, bases, or foundations.

Only one (1) headstone will be allowed for each plot, and this shall be placed at the head of the plot. In the event a family monument headstone is placed at the head of a group of plots, an individual

marker may be placed at the foot of each plot for individuals buried there. Government markers such as military markers may also be placed at the foot of the plot in addition to the headstone.

All headstones, bases, and foundations shall fit and be placed within the purchased plot boundaries. The town shall not be responsible for the preservation and care of any headstones, markers or memorials installed in the cemetery.

Since the town does not have a full-time cemetery groundskeeper; daily maintenance of sites is not performed. In order to establish grass on plots and to allow access for the sprinkler system and mowing machines, no rock, gravel, wood, or similar type of ground covering will be allowed. No fences, curbing, borders or barriers are allowed around plots or individual plots, except for those already in existence. If for any reason an existing fence is removed, a new fence will not be allowed.

The placing of decorations, cut flowers or plastic flowers, or other small tokens of remembrance at individual plots shall be permitted; however, the town shall not be responsible for the care of any decorations or the containers that they are placed in. The town may remove, without notice, all decorations, or other things that are deteriorated or broken and articles that blow from plots on an as-needed basis. The placement of permanent decorations or small tokens of remembrance shall only be permitted with the express, written permission of the town.

No person shall plant any tree, shrub or other plant at individual plots except those permitted and approved in writing by the town.

The town will determine the allocation of water at the cemetery to handle drought conditions that can occur in the area. Those who personally maintain plots of loved ones may be asked to not use extra water in addition to the automatic sprinkler system.

If you have any questions regarding your cemetery plot, please contact the Town of Eagar at (928) 333-4128 or m.wiltbank@eagaraz.gov