

**Chapter 22**

**CEMETERIES**

**Sec. 22-1. Powers and adoption of regulations.**

The City Commission shall make and adopt any regulations it may deem expedient and proper for the cemetery and set fees for the sale of grave sites, for opening and closing graves, disinterment of bodies and reburial of bodies by resolution duly passed by the City Commission. (Code 1958, 7-3; Ord. 1906, 7/2/2001; Ord. 1892, 3/6/2000; Ord. 1899, 7/3/2000)

**Sec. 22-2. Hours of operation.**

Mountain View Cemetery shall be closed between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m. No person may enter the cemetery during the hours in which the cemetery is closed. (Ord. 1899, 7/3/2000)

**Sec. 22-3. Reserved.**

**Sec. 22-4. Records.**

The City shall keep a record of all deeds issued, property sold, interments made, name of deceased, place and time of nativity, and the place and time of death, and of all disinterments. (Code 1958, 7-12; Ord. 1892, 3/6/2000; Ord. 1899, 7/3/2000; Ord. 1906, 7/2/2001)

**Sec. 22-5. Mountain View Cemetery created.**

There is created a City cemetery, which shall be known as Mountain View Cemetery, comprising certain lots, pieces or parcels of land, and particularly described and conveyed in that certain deed now of record in the office of the County Clerk and Recorder in Book 59 of Deeds, at page 158, of the County Deed Records. (Code 1958, 7-1; Ord. 1892, 3/6/2000; Ord. 1899, 7/3/2000; Ord. 1906, 7/2/2001)

**Sec. 22-6. Lot prices.**

(a) The following prices shall be paid to the City in advance for the sale of gravesites in Mountain View Cemetery:

- (1) For adults: .....\$250.00
- (2) For children up to 5 years of age:.....\$ 75.00

(Code 1958, Sec. 7-7, 7-8; Ord. 1176, 10/2/67; Ord. 1278, 12/2/74; Ord. 1296, 9/2/75; Ord. 1300, 10/6/75; Ord. 1480, 3/81; Ord. 1634, 11/84; Ord. 1796, 12/19/94; Ord. 1892, 3/6/2000; Ord. 1899, 7/3/2000; Ord. 1906, 7/2/2001)

**Sec. 22-7. Lot sale proceeds.**

All moneys received by the City for the sale of all lots in Mountain View Cemetery shall be paid into the cemetery fund cash account of the City. (Code 1958, 7-9; Ord. 1060, 7/24/59; (Ord. 1892, 3/6/2000; Ord. 1899, 7/3/2000; Ord. 1906, 7/2/2001)

**Sec. 22-8. Cemetery deeds.**

The platted land described in Sec. 22-5, shall be sold, for burial purposes only, and such sales shall be subject to the rules and regulations adopted by the City. The purchaser shall be given a receipt showing the amount paid and the description of the cemetery lot. The City shall prepare a Cemetery Deed to be executed in the form which shall be approved by the City. (Ord. 1892, 3/6/2000; Ord. 1899, 7/3/2000; Ord. 1906, 7/2/2001)

**Sec. 22-9. Sale of burial plot.**

No burial plots sold by the City for burial purposes shall be sold or transferred to any other party other than the City of Livingston except that disinterred graves will not be repurchased by the City. The owner of a disinterred grave may authorize the City to transfer the disinterred grave to another party, but such authorization must be in writing.

The price paid by the City upon re-transfer of the burial plot shall be the same price set by the City for selling cemetery lots as of the date of repurchase. (Ord. 1535, 2/19/85; Ord. 1892, 3/6/2000; Ord. 1899, 7/3/2000; Ord. 1906, 7/2/2001)

**Sec. 22-10. Fees for opening graves.**

Superintendent of Public Services or Cemetery Sexton will determine when to open or close a grave. Fees are to be paid to the City in advance for the classification of grave opening and closing as follows:

Adult - opening and closing.....	\$175.00
Adult - opening and closing on holidays or weekends .....	350.00
Ashes - opening and closing .....	75.00
Child - opening and closing.....	75.00
Child/ashes - opening and closing on holidays and weekends .....	175.00
Removal of body .....	350.00
Removal of body - under five years of age.....	150.00

(Code 1958, Sec. 7-11; Ord. 1177, 11/6/67; Ord. 1279, 12/2/74; Ord. 1297, 9/2/75; Ord. 1502, 7/19/82; Ord. 1480, 3/81; Ord. 1527, 6/19/84; Ord. 1796, 12/19/94)

**Sec. 22-11. Unlawful activity.**

1. It shall be unlawful for any automobile, bicycle, motor truck or other conveyances to drive in excess of eight (8) miles per hour within the boundaries of the cemetery.
2. It shall be unlawful for any person to purposely or knowingly enter Mountain View Cemetery between the hours eleven (11) o'clock and seven (7) o'clock a.m.
3. Dogs and Livestock excluded from Mountain View Cemetery. No person shall negligently or knowingly permit a dog or any livestock whether under restraint or not, to enter within the boundaries of Mountain View Cemetery.
4. The penalty for violation of this subsection shall be a fine of not less than twenty dollars (\$20.00) and to exceed five hundred dollars (\$500.00) or be imprisoned for any period not to exceed ninety (90) days, or both. (Code 1958, Sec. 7-5, 7-8, 7-16; Ord. 1176, 10/2/67; Ord. 1326, 6/7/76; Ord. 1892, 3/6/2000; Ord. 1899, 7/3/2000; Ord. 1906, 7/2/2001)

**Sec. 22-12. Private cemetery or burial—Commission authorization.**

No person shall establish or maintain any cemetery or place for the interment of a human body or remains, or bury such body in any private lot or plat of ground within the City or within three (3) miles of the City, unless the City Commission shall have first granted permission authorizing the lot or parcel of ground to be used as such cemetery or burying place. (Code 1958, 7-13; Ord. 1892, 3/6/00; 1899, 7/3/2000; Ord. 1906, 7/2/2001)

**Sec. 22-13. Same—permit.**

The body of any human being shall not be interred in any place, cemetery, private lot or plot of ground, nor shall any such body be placed in any vault or tomb or otherwise be disposed of within the City until a permit authorizing such lot, or plot of ground as a place of burial has been granted by the City Commission. (Code 1958, 7-14; Ord. 1892, 3/6/2000; 1899, 7/3/2000; Ord. 1906, 7/2/2001)

**Sec. 22-14. Permit for burial.**

No undertaker or other person shall assist in or about the interment, or final placing of the body of any human being within the city or in any City cemetery unless the City shall have granted a permit authorizing such interment. (Code 1958, 7-14; Ord. 1892, 3/6/00; 1899, 7/3/2000; Ord. 1906, 7/2/2001)

**Sec. 22-15. Same—procedure.**

Any person desiring to inter a body or human ashes at the cemetery shall first make application to the City for a permit for such interment. The applicant shall then pay to the City such grave fee as herein required, who shall thereupon be issued a receipt therefor, showing the amount paid. The applicant shall file the receipt with the City, and the City shall issue an order to open such grave reciting therein the lot, and block of the place of burial.

No interment of human remains or of human ashes shall be made in a City cemetery without first obtaining a permit therefor. (Code 1958, 7-15; Ord. 1693, 8/19/91; Ord. 1892, 3/6/00; 1899, 7/3/2000; Ord. 1906, 7/2/2001)

**Sec. 22-16. Same—burial.**

The day and hour of burial in the City cemetery shall be fixed in each and every case by the City, who shall issue to the sexton a grave opening authorization showing thereon the time and place of burial, provided, however, in the event more than one burial application is received for burial on the same day, the City shall set the time for each burial not less than thirty (30) minutes apart. (Code 1958, 7-16; Ord. 1615, 4/17/89; Ord. 1892, 3/6/2000; Ord. 1899, 7/3/2000; Ord. 1906, 7/2/2001)