

City of Livingston, Montana

Mountain View Cemetery Regulations

Definitions:

"Lot" means a space of one or more adjoining graves, intended to be used for the interment of human remains.

"Grave" means one space of ground used, or intended to be used, for the burial of human remains.

"Full Size Grave" is to be used for a casket burial and shall be 4'4" wide and 13' long.

"Cremation Grave" is to be used for a cremation burial and shall be grave 4'4" wide by 6'5" long.

"Baby Grave" means a space of ground to be used for the burial of a child under 5 years of age and shall be 2' wide and 5' long.

"Monument" means a marker or stone used to identify the grave. The monument shall consist of granite or marble, either polished or unpolished, or standard bronze. Monuments shall be erected near the center of the head or foot of the grave as practicable and shall be placed within 30" from the head of the grave or within 30" from the foot of the grave. If a footstone is used, it shall be flush with the ground to allow the lawn mower to pass over the footstone without striking it.

Allowed Number of Burials in One Grave Site

Two cremated remains will be allowed in one cremation space.

Four cremated remains will be allowed in a full sized grave site with no full sized burial, or two cremated remains and one full size burial.

One burial only in a baby grave.

Placement of Monument Policy and Requirements

1. Cemetery Sexton must inspect grave location and sign Authorization for Placement of monument prior to installation thereof.
2. All monument foundations may be either marble or concrete 4 inches thick with 6 inch border around the monument.
3. Single or Double stone at the head on one grave site will be on a concrete foundation with a maximum width of 40".
4. Double stone at the head of two grave sites will be on a foundation with a maximum width of 80".
5. Double stone at foot of a single grave site with foundation for ashes not to exceed 40".
6. Single stone at foot of a single grave site with foundation not to exceed 40".
7. Any footstones made with a polished surface of marble or granite with engraving on the polished surface with a minimum length of at least 20" and a maximum length of 30" and with a minimum width of 36"

and a maximum width of 40" and which are 4" thick are not required to have a cement border.

- a. Any footstones which are smaller must have a 6 cement border.
- b. Military footstones with a brass plate on granite or marble bases shall have a minimum 2" border of granite or marble around the brass plate.

A double footstone on two gravesites made with a polished surface of marble or granite with engraving into the polished surface which are at a minimum of 20" in length, and not exceeding 30" in length and at least 50" in width and not exceeding 80" in width and 4" thick are not required to have a cement border. Any smaller footstones shall be placed with a 6" border of cement around the footstone.

Grave Liner Requirements and Options

1. The Mountain View Cemetery requires a liner for all full sized burials, i.e. Poly Guard, fiberglass, polypropylene or cement, or and other material pre-approved by the City.
2. Cremations containers shall be a sturdy plastic box with a minimum 1/8th thickness, or any other material pre-approved by the City. Cremated remains must be enclosed within a rigid container of sufficient strength and durability and constructed of such materials as will permanently withstand pressures of earth compaction, resist decay, and prevent settling of the excavated area.

Errors May Be Corrected

The City reserves and shall have the right to correct any errors that may be made by it either in making interment, disinterment or removal, 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 City. The City shall be in no way liable for the delay in the interment or disinterment of a body where protest to the same has been made or where the rules and regulations have not been complied with. The City may require any protest to be in writing and filed in the office of the City Administrator.

In the event of a grave being opened adjacent to a previous interment on the same or adjoining grave and it is impracticable to protest the adjacent grave from damage, the City disclaims responsibility for such damage or subsequent settlement.

Sale of Gravesites

The sale of gravesites for Mountain View Cemetery shall be paid in advance to the City. Prices can be obtained at the City Office.

The price paid by the City upon re-transfer of the grave site(s) shall be the same price set by the City for selling cemetery grave site(s) as of the date of repurchase.

No gravesites shall be sold or transferred to any other party without a new deed being issued by the City of Livingston.

Fees for Opening Graves

The Public Works Director or the 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. All opening and closing costs can be obtained at the City Office.

Perpetual Care Fund

From the sale of each new cemetery grave site, the sum of one half (1/2) shall be set aside and placed into the Perpetual Care Fund and shall be used exclusively for the permanent care and improvement of the Mountain View Cemetery, including all additions thereto.

All Grave Openings and Closing

All openings and closing of graves, and disinterment shall be made only by the City and only with 24 hours notice. All landscape work, improvements, and plantings will be made and cared for by the City.

When a burial is made on a Saturday, Sunday or on any legal holiday, an increased fee will be charged for opening and closing the grave.

No Interment is Permitted Unless Property is Paid For

No interment or disinterment shall be permitted unless all fees and costs are paid in advance in full.

Interment is Human Remains

The use of cemetery property, such as a grave, is restricted to the interment of human remains only.

Cremated human remains shall be interred in standard cremation graves, or standard adult graves. Sprinkling, spreading or other such dispersal of cremated remains on cemetery grounds is not permitted.

Casket Not to be Opened

It is not permissible to open a casket at the grave site unless application is made in advance and approval is given by the Public Works Director or his designated representative. Consent also needs to be received from the legal representative of the deceased or with a court order. The City may take appropriate steps to correct obnoxious or improper conditions.

Veteran Section

Veteran only be sold as the next available grave.

The burial of a veteran's spouse in the Veteran's section is limited to cremated remains with a flush foot stone.

Baby Section

Baby section sites will be sold only as the next available grave basis, with only one burial being allowed in such site.

Enclosures or Guards Around Graves

Fences, railings, copings, hedges or other enclosures and steps on graves or lots will not be permitted. When fences, hedges, copings and other enclosures previously erected lawfully around any grave have, by reason of neglect or age, become objectionable in the judgment of the City, the City may remove such enclosures.

Work and Improvements on Cemetery Grounds

All work and improvements on the cemetery grounds must be subject to the control and under the direction of the City. Any improvements made in violation of these regulations will be removed by the City at the expense of the owner of the grave; and any person failing to conform to this regulation will be excluded from the grounds.

Owners of graves, or parcels thereof, who wish improvements made upon or any work performed in the care and embellishment of their graves can have the same done by applying at the office of the City. All grading, turfing and covering of graves, and planting of trees shall be done by employees of the cemetery only. All graves prepared for planting will be sodded or seeded level.

No trees, shrubs, flowers, or other plants may be cultivated on graves. Donated evergreens or blue spruce trees may be allowed with the City's permission along avenues if an avenue is available. Avenue trees shall be placed at least twenty-six feet apart along avenues and shall not be placed upon graves. The avenue tree exception does not apply to the addition to Mountain Vie Cemetery established in 1975 to the east of the original site wherein no trees shall be allowed, but trees may be planted around the perimeter with the City's permission.

No tree may be planted, and no plant, flower, tree or shrub can be taken out of the cemetery without the permission of the City.

If any tree or shrub situated on any grave in the opinion of the City becomes by means of its roots or branches or in any other way detrimental to the adjacent graves, streets, alleys or walks or prejudicial to the general appearance of the grounds, the Cemetery Sexton shall have the right to enter the grave and remove the tree or shrub or such parts thereof as he/she may consider detrimental or prejudicial.

Rubbish

The throwing of rubbish on cemetery grounds is strictly prohibited.

Decoration of Graves

All flowers and wreaths are to be fastened to the headstone or in flower pots on or in stone foundations.

The ground planting of flowers or plants by a grave owner is not permitted. The City shall have the authority to remove all floral designed flowers, weeds, trees, shrubs, plants or herbage or any kind at any time.

The City shall not be liable for floral pieces, baskets or frames to which floral pieces are attached, nor for the loss, misplacement or breaking of flower containers.

The City shall not be responsible for plants, herbage or plantings of any kind damaged by the elements, thieves, vandals, or by any other cause.

The City reserves the right to prevent removal of any flowers, floral designs, trees, shrubs, or plants or herbage of any kind unless express written consent is given by the City. Glass receptacles and containers are prohibited.

The City shall remove from any lot or grave, without notice, any chairs, settees, glass cases, shells, toys, vases, artificial or natural flowers or any other article left thereon.

No person shall remove any flowers, plants or other articles from any lot or grave not belonging to their relatives.

No person shall pick any flowers, either wild or cultivated, or damage any trees, shrubbery or plants, or write upon, deface or injure any monument, fence or other structure, in or belonging to the cemetery or to the owner of graves therein.

Speed Limit Within Cemetery

Automobiles, bicycles, motor trucks or other conveyances must be driven only on the avenues within the cemetery and shall be restricted to a speed not to exceed eight (8) miles per hour.

Dogs

No person shall negligently or knowingly permit a dog, whether under restraint or not, within the boundaries of Mountain View Cemetery.

Decorum

People entering upon the Cemetery grounds shall conduct themselves with proper decorum, i.e. no disturbing the peace, no loud music, no interference with legal gatherings of people, no fireworks, no discharging of firearms except as permitted herein, no fires, no consumption of alcohol or drugs, no criminal mischief and refusing to abide by these regulations.

Firearms

No firearms shall be permitted within the cemetery, except by duly constituted authorities, or at a military funeral.

Memorial Day

Mountain View Cemetery can be decorated one week before and one week after the calendar Memorial Day. After one week, all decorations in foundation vases must be removed. The City is not responsible for decorations that have not been picked up.

City of Livingston to Enforce Rules and Regulations

The cemetery employees are hereby empowered to enforce all rules and regulations, and to exclude from the property of the City any person violating the same. They shall have charge of the grounds and buildings and at all times shall have supervision and control of all persons in the cemetery, including the conduct of funerals, traffic, employees, grave and lot owners, and all visitors.

Powers and Adoption of Regulations

The Livingston City Commission shall make and adopt any regulations it may deem expedient and proper for the cemetery.

GENERAL INFORMATION

1. Glass containers will not be allowed.
2. Live plants will be allowed only in planters attached to stone or foundation.
3. The City shall not be responsible for flower containers, pots, or flowers damaged in summer due to mowing or due to snow removal in the winter, by funerals or damage caused by removal of such items.
4. Driving metal, wood, wire, large nails or posts into the ground will not be allowed.

RESOLUTION NO. 4650

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AMENDING THE RULES AND REGULATIONS FOR MOUNTAIN VIEW CEMETERY.

WHEREAS, the Rules and Regulations for Mountain View Cemetery have not been updated since July 20, 2009; and

WHEREAS, the Rules and Regulations for Mountain View Cemetery require updating in an effort to lessen confusion, bring clarity, and to reflect current operational practices at Mountain View Cemetery; and

WHEREAS, the proposed changes to the Rules and Regulations for Mountain View Cemetery are attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the City of Livingston's administration recommends approval of the proposed changes, which changes are attached hereto and incorporated herein as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:

That the City Commission hereby approves the proposed changes to the Rules and Regulations for Mountain View Cemetery, which proposed changes are detailed in Exhibit A.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 19th day of April, 2016.


JAMES BENNETT - Chairman

ATTEST:


LISA HARRELD
Recording Secretary

APPROVED AS TO FORM:


ERIK COATE
City Attorney

Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Resolution No. 4650

Requested by: Jessie Hogg, Chief Finance Officer

Date of First Consideration/Status: April 5th, 2016

Purpose of Legislation: Resolution #4650 updates operational rules and regulations at Mountain View Cemetery.

Background: See Exhibit A for proposed revisions to existing rules and regulations. The cemetery rules and regulations were last updated on July 20th, 2009. The updates in the document serve to clarify confusing language and reflect current operational practices in the cemetery.

Staff Recommendation: Staff recommends approval of this Resolution.

Fiscal Impact: N/A

Regulatory Impact (local): N/A

Attachments: Exhibit A

City of Livingston, Montana
Mountain View Cemetery Regulations
Updated March 8, 2016

Definitions:

- Lot- a space of one or more adjoining graves intended to be used for the interment of human remains.
- Grave- one space of ground used, or intended to be used, for the burial of human remains.
- Full Size Grave- to be used for a casket burial and shall be 4'4" wide and 13' (thirteen feet) long. (Limited exceptions to these dimensions do exist for some graves. Plot owners should verify grave specific dimensions with cemetery staff)
- ~~Cremation Grave is to be used for a cremation burial and shall be grave 4'4" (four feet, four inches) wide by 6'5" (Six Foot, five inches) long.—~~
- Infant/Child Grave- a space of ground to be used for the burial of a child under 5 years of age and shall be 2' (two feet) wide and 5' (five feet) long.
- Monument- a marker or stone used to identify the grave. The monument shall consist of granite or marble, either polished or unpolished, or standard bronze. Monuments shall be erected near the center of the head or foot of the grave as practicable and shall be placed within 30" (thirty inches) from the head of the grave or within 30" (thirty inches) from the foot of the grave. If a footstone is used, it shall be flush with the ground to allow the lawn mower to pass over the footstone without striking it.

Allowed Number of Burials in One Grave Site

~~Two cremated remains will be allowed in one cremation space.—~~

Four cremated remains will be allowed in a full sized grave site with no full sized burial, or two cremated remains and one full size burial.

~~Only one burial will be allowed in an infant/child grave.—~~

Placement of Monument Policy and Requirements and Authorization

- 1 Cemetery ~~Sexton~~ Staff must inspect mark grave location sign for placement of monument prior to installation thereof.
- 2 All monument foundations may be either marble or concrete, a minimum of 4 inches thick with a 6 inch border around the monument.
- 3 A single or double stone at the head on one grave site will have a maximum width length of 44" (forty inches) and a maximum length width of 30" (thirty inches), including any base or foundation. ~~be on a concrete foundation with a maximum width of 40" (forty inches). (Refer to diagram at the conclusion of this document.)~~

- 4 A double stone at the head of two grave sites will be centered between the two graves and will not exceed 88" (eighty eight inches) in width length and 30" (thirty inches) in length width including any base or foundation. ~~on a foundation with a maximum width of 80" (eighty inches).~~
- 5 ~~Double stone at foot of a single grave site with foundation for ashes not to exceed 40" (forty inches).~~
- 6 ~~Single stone at foot of a single grave site with foundation not to exceed 40" (forty inches).~~
- 7 The minimum size of a footstone is 20" (twenty inches) wide by 36" (thirty six inches) length and must be at least 4" (four inches) thick. Footstones must be designed to withstand impact from heavy equipment including dump trucks and backhoes. Any footstones made with a polished surface of marble or granite with engraving on the polished surface with a minimum length of at least 20" (twenty inches) and a maximum length of 30" (thirty inches) and with a minimum width of 36" (thirty six inches) and a maximum width of 40" (forty inches) and which are 4" (four inches) thick are not required to have a cement border.
 - a. ~~Any footstones which are smaller than the above dimensions must have a 6" (six inches) cement border.~~
 - b. Military footstones with a brass plate on granite or marble bases shall have a minimum 2" (two inch) border of granite or marble around the brass plate.
 - c. ~~A double footstone on two gravesites made with a polished surface of marble or granite with engraving into the polished surface which are at a minimum of 20" (twenty inches) in length, and not exceeding 30" (thirty inches) in length and at least 50" (fifty inches) in width and not exceeding 80" (eighty inches) in width and 4" (four inches) thick are not required to have a cement border. Any smaller footstones shall be placed with a 6" (six inch) border of cement around the footstone.~~

Grave Liner Requirements and Options

1. The Mountain View Cemetery requires a liner for all full sized burials, i.e. Poly Guard, fiberglass, polypropylene or ~~cement, and/or~~ other material pre-approved by the City.
2. ~~Cremations containers shall be a sturdy plastic box with a minimum 1/8th inch thickness, or any other material pre-approved by the City.~~ Cremated remains must be enclosed within a rigid container of sufficient strength and durability and constructed of such materials as will permanently withstand pressures of earth compaction, resist decay, and prevent settling of the excavated area.

Errors May Be Corrected

The City reserves and shall have the right to correct any errors that may be made by it either in making interment, disinterment or removal, 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

City. The City shall be in no way liable for the delay in the interment or disinterment of a body where protest to the same has been made or where the rules and regulations have not been complied with. The City may require any protest to be in writing and filed in the office of the City ~~Administrator~~ Manager.

In the event of a grave being opened adjacent to a previous interment on the same or adjoining grave and it is impracticable to ~~protest~~ protect the adjacent grave from damage, the City disclaims responsibility for such damage or subsequent settlement.

Sale of Gravesites

The sale of gravesites for Mountain View Cemetery shall be paid in advance to the City. Prices can be obtained at the City Office. The price paid by the City upon re-transfer of the grave site(s) shall be the same price set by the City for selling cemetery grave site(s) as of the date of repurchase.

No gravesites shall be sold or transferred to any other party without a new deed being issued by the City of Livingston.

Fees for Opening Graves

The Public Works Director or the Cemetery ~~Sexton~~ staff, in partnership with the Finance Office, 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. All opening and closing costs can be obtained at the City Finance Office.

Perpetual Care Fund

From the sale of each new cemetery grave site, the sum of one half (1/2) shall be set aside and placed into the Perpetual Care Fund and shall be used exclusively for the permanent care and improvement, of the Mountain View Cemetery, including all additions thereto.

All Grave Openings and Closing

All openings and closing of graves, and disinterment shall be made only by the City and only with ~~24 a~~ minimum of 48 hours' notice absent extenuating circumstances. ~~All landscape work, improvements, and plantings will be made and cared for by the City.~~

When burial is made on a Saturday, Sunday or any legal holiday, an increased fee will be charged for opening and closing the grave.

No Interment is Permitted Unless Property is Paid For

No interment or disinterment shall be permitted unless all fees and costs are paid in advance in full.

Interment is Human Remains

The use of cemetery property, such as a grave, is restricted to the interment of human remains only.

Cremated human remains shall be interred in standard cremation graves, or standard adult graves. Sprinkling, spreading or other such dispersal of cremated remains on cemetery grounds is not permitted.

Casket Not to be Opened

It is not permissible to open a casket at the grave site unless application is made in advance and approval is given by the Public Works Director or his designated representative. Consent also needs to be received from the legal representative of the deceased or with a court order. The City may take appropriate steps to correct obnoxious or improper conditions.

Veteran Section

~~Veteran only be sold as the next available grave.~~ Graves in the Veteran's Section may only be sold in sequential order. For example, grave #5 cannot be sold before grave #4 has been sold.

The burial of a veteran's spouse in the Veteran's section is limited to cremated remains with a flush foot stone.

Baby Section

Baby section sites will be sold only as the next available grave basis, ~~with only one burial being allowed in such site.~~ One burial is allowed per grave site. Exceptions for multiple burials in a single grave site may be made by the Cemetery Staff if the remains are cremated.

Enclosures or Guards Around Graves

Fences, railings, copings, hedges, or other enclosures and steps on graves or lots will not be permitted.

When fences, hedges, copings and other enclosures previously erected lawfully around any grave have, by reason of neglect or age, become objectionable in the judgment of the City, the City may remove such enclosures.

Work and Improvements on Cemetery Grounds

All work and improvements on the cemetery grounds must be subject to the control and under the direction of the City. Any improvements made in violation of these regulations will be removed by the

City at the expense of the owner of the grave; and any person failing to conform to this regulation will be excluded from the grounds.

~~Owners of graves, or parcels thereof, who wish improvements made upon or any work performed in the care and embellishment and of their graves can have the same done by applying at the office of the City.~~
All grading, turfing, covering of graves, and planting of trees shall be done by employees of the cemetery only. ~~All graves prepared for planting will be sodded or seeded level.~~

No trees, shrubs, flowers, or other plants may be cultivated on graves. ~~Donated evergreens or blue spruce trees may be allowed with the City's permission along avenues if an avenue is available. Avenue trees shall be placed at least twenty-six feet apart along avenues and shall not be placed upon graves. The avenue tree exception does not apply to the addition to Mountain View Cemetery established in 1975 to the east of the original site wherein no trees shall be allowed, but trees may be planted around the perimeter with the City's permission.~~ No trees or shrubs may be planted on the inside of Blocks 21, 22, 23. With City approval, some trees may be planted on the perimeter, however these areas are limited.

No tree may be planted, and no plant, flower, tree or shrub can be taken out of the cemetery without the permission of the City.

If any tree or shrub situated on any grave in the opinion of the City becomes by means of its roots or branches or in any other way detrimental to the adjacent graves, streets, alleys or walks or prejudicial to the general appearance of the grounds, the Cemetery ~~Sexton Staff~~ shall have the right to enter the grave and remove the tree or shrub or such parts thereof as he/she may consider detrimental or prejudicial.

Rubbish

The throwing of rubbish on cemetery grounds is strictly prohibited.

Decoration of Graves

All flowers and wreaths are to be fastened to the headstone or in flower pots on or in stone foundations. Absolutely no decorations of any kind may be attached to a foot stone. These decorations will be removed by the City without notification and without the responsibility for storage. ~~The ground planting of flowers or plants by a grave owner is not permitted.~~ The City shall have the authority to remove all floral designed flowers, artificial flowers, weeds, trees, shrubs, plants or herbage of any kind at any time. This includes flowers and other decorations attached to headstones.

The City shall not be liable for floral pieces, baskets or frames to which floral pieces are attached, nor for the loss, misplacement or breaking of flower containers.

~~The City shall not be responsible for plants, herbage or plantings of any kind damaged by the elements, thieves, vandals, or by any other cause.—~~

~~The City reserves the right to prevent removal of any flowers, floral or designs, trees, shrubs, or plants herbage of any kind unless express written consent is given by the City. Glass receptacles and containers are prohibited.—~~

The City ~~shall~~ **may** remove from any lot or grave, without notice, any chairs, settees, glass cases, shells, toys, vases, artificial or natural flowers or any other article left thereon.

~~No person shall remove any flowers, plants or other articles from any lot or grave not belonging to their relatives.—~~

~~No person shall pick any flowers, either wild or cultivated, or damage any trees, shrubbery or plants, or write upon, deface or injure any to monument, fence or other structure, in or belonging to the cemetery or the owner of graves therein.~~

If the presence of decorations at a grave site prevents accessibility for maintenance (i.e. mowing and weeding), the Cemetery Staff, at its discretion, may choose to not maintain the area around the grave site until the decorations are removed.

Speed Limit Within Cemetery

Automobiles, bicycles, motor trucks or other conveyances must be driven only on the avenues within the cemetery and shall be restricted to a speed not to exceed eight (8) miles per hour.

Dogs

No person shall negligently or knowingly permit a dog, whether under restraint or not, within the boundaries of Mountain View Cemetery.

Decorum

People entering upon the Cemetery grounds shall conduct themselves with proper decorum, i.e. no disturbing the peace, no loud music, no interference with legal gatherings of people, no fireworks, no discharging of firearms except as permitted herein, no fires, no consumption of alcohol or drugs, no criminal mischief and refusing to abide by these regulations.

Firearms

No firearms shall be permitted within the cemetery, except by duly constituted authorities, or at a military funeral.

Memorial Day

Mountain View Cemetery can be decorated one week before and one week after the calendar Memorial Day. After one week, all decorations in foundation vases must be removed. The City is not responsible for decorations that have not been picked up.

Hours of Operation

The cemetery is open for visitation every day from sunrise to sunset.

Inclement and seasonal weather may restrict access to all blocks within the cemetery.

City of Livingston to Enforce Rules and Regulations

The cemetery employees are hereby empowered to enforce all rules and regulations, and to exclude from the property of the City any person violating the same. They shall have charge of the grounds and buildings and at all times shall have supervision and control of all persons in the cemetery, including the conduct of funerals, traffic, employees, grave and lot owners, and all visitors.

Powers and Adoption of Regulations

The Livingston City Commission shall make and adopt any regulations it may deem expedient and proper for the cemetery.

GENERAL INFORMATION

1. Glass containers will not be allowed.
2. Live plants will be allowed only in planters attached to stone or foundation.
3. The City shall not be responsible for flower containers, pots, or flowers damaged in summer due to mowing or due to snow removal in the winter, or by funerals or damage caused by removal of such items.
4. Driving metal, wood, wire, large nails posts into the ground will not be allowed.
5. The City may remove any object not directly attached to and on the headstone at any time and without notice. No decorations are allowed on footstones.