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## **9. PARKS, RECREATION AND CEMETERIES**

### **PARKS AND RECREATION**

**9.005 Persons in Parks During Certain Hours Prohibited.** No person shall be in any City park or marina between the hours of one-half hour after sunset and 6:00 a.m. of the following day. This Section does not apply to City employees whose duties require them to be there and such other persons as may be authorized by the Council to use park facilities after hours or overnight in the manner and for such use as may be prescribed by the Council.

**9.010 Use of Tennis Courts.** No person shall use the tennis courts of the City for any activity other than tennis.

**9.015 Fires.** No person, other than an authorized City employee, shall set or start any fire other than in the places provided therefore within any City Park.

**9.020 Use of Marina and Lakefront Property.** No person, other than an authorized City employee, shall wade, swim, or walk upon ice in the marina at Moore Park or on any contiguous lakefront property within any City Park.

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## CEMETERIES

### KLAMATH MEMORIAL PARK

**9.100 Description.** Klamath Memorial Park consists of the following-described property:

Situated in Klamath County, Oregon: Beginning at the 3 corner common to Sections 5 & 8 in T 39 S, R 9 E, W.M. in Klamath County, Oregon; thence S 89E38' E 1315.7 feet to a concrete monument, being the southeast corner of SW3SE3 of said Section 5 and which point is on the westerly right-of-way line of the Great Northern Railway; thence S 20E37' W along the Great Northern right-of-way, 2014.96 feet; thence S 89E22' W 591.6 feet; thence S 0E38' E 270.0 feet to an iron pipe in Cumberland Road; thence S 89E22' W 1320.0 feet to the west line of E2 W3 of said Section 8; thence N 0E38' W 1365.48 feet to the easterly line of the unvacated portion of Westover Terraces; thence N 46E58'15" E along last said line 957.83 feet; thence S 89E22' E 152.62 feet; thence N 0E38' W 139.34 feet; thence N 46E58'15" E 44.4 [feet] to an iron pipe; thence S 89E23'15" E 433.69 feet to the point of beginning.

**9.102 Use Limited.** Klamath Memorial Park shall be used exclusively for cemetery purposes. Crematoria, mausoleums and columbarium niches may be constructed or installed following appropriate approval by the City Council.

[Amended by Ord. No. 06-28, enacted June 19, 2006.]

**9.104 Maps to be Prepared; Where Filed.** A map of the premises shall be prepared under the direction of the City Engineer, dedicating the premises for cemetery purposes, and shall be filed with the County Clerk. A supplemental map of the immediate area to be opened for sale, dividing it into areas, blocks, sections and lots, shall also be filed with the County Clerk. Copies of each of the maps shall also be filed with the Recorder and made available to the public for reference.

**9.106 Opening Portions for Sale of Burial Lots; Classification of Lots.** Only portions of the land in Klamath Memorial Park shall be opened for sale and burial purposes at any one time, as the Council directs by resolution or ordinance. The resolution or ordinance shall set the sale price of each lot and designate the location of the lots by Grove, Block, Section and Lot, or otherwise, in the discretion of the Council. The Community Development Director or Parks, Recreation and Cemeteries Manager shall note each designation on the map filed with the Recorder. A person may purchase an adult-size lot in which to bury a child or baby, but the full price of the adult-size lot shall be charged.

[Amended by Ord. 06-18, enacted June 19, 2006.]

**9.108 Klamath Memorial Park Fund.** The Klamath Memorial Park Fund shall be used for acquiring property, improving, operating and maintaining the cemetery. All money

received by the City from Klamath Memorial Park from the sale of lots, park service or from other sales or service shall be placed in the Klamath Memorial Park Fund, out of which there shall first be paid to the trust fund established in Section 9.110 the percent from the sale of lots as required. All payments for the acquisition of property, improvement, operation and maintenance of the cemetery shall be made out of the Klamath Memorial Park Fund. Payments for maintaining and improving Linkville Pioneer Cemetery shall be made from the Klamath Memorial Park Fund beginning July 1, 1947.

[Amended by Ord. No. 06-28, enacted June 19, 2006.]

**9.110 Trust Fund for Cemetery.** Klamath Memorial Park shall be operated as an endowment care cemetery consistent with those provisions of state statute addressing endowment care cemeteries owned by cities. The 1947 endowment care trust fund shall be managed pursuant to a trust agreement with a trustee selected by the City Council. The Council may from time to time change trustees when the Council deems such a change to be in the best interests of Klamath Memorial Park. Distribution of income from the fund shall be used solely for the general care and maintenance of Klamath Memorial Park and Linkville Pioneer Cemetery.

[Amended by Ord. No. 00-1, enacted Jan. 18, 2000; Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.112 Trustee, Generally; 9.114 Trustee's Duties; Liability.** [Repealed by Ord. No. 00-1, enacted Jan. 19, 2000.]

#### LINKVILLE PIONEER CEMETERY

**9.120 Description.** Linkville Pioneer Cemetery consists of the following-described property:

Situated in Klamath County, Oregon:

Beginning at the SE corner of the E2 of the NW3 of the SW3 of Section 29, T 38 S, Range 9 East, W.M.; thence N 0E15' W 1070.44 feet; thence S 89E46' W 655.5 feet; thence S 0E20' E 1073.5 feet; thence N 89E38' E 653.24 feet to the place of beginning.

[Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.122 Use Limited.** Linkville Pioneer Cemetery shall be used exclusively for human burial purposes.

[Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.124 Map to be Prepared and Filed.** A plat of the premises known as Linkville Pioneer Cemetery, dedicating the premises for burial purposes, shall be prepared from a survey approved by the City Engineer and filed with the County Clerk.

[Amended by Ord. No. 06-18, enacted June 29, 2006.]

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**9.126 Linkville Cemetery Fund.** For the purpose of enabling the City to maintain, improve and beautify Linkville Cemetery from year to year, there is hereby created an annual levy of a tax of one-half mill upon every dollar of all taxable property within the City, beginning with the tax year of 1948-1949 and continuing each year thereafter, which shall be used for such purposes. All tax money collected and received under this levy shall be placed in a special fund entitled "Linkville Cemetery Fund" and used solely for the purpose stated in this Section.

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## CEMETERY OPERATIONS

**9.130 Application.** The provisions of Sections 9.132 to 9.170 shall apply to the operation of Klamath Memorial Park and Linkville Pioneer Cemetery unless otherwise specifically noted.

[Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.132 Records.** The City shall furnish a record book in which designated staff shall enter information pertaining to all lots and bodies disposed of on the premises as follows:

- (1) The name of the deceased person, if known.
- (2) The place of death.
- (3) The date of burial or other disposition.
- (4) A complete record of each lot or grave sold, the date of sale, name and address of the purchaser, and the name and address of an assignee or vendee if the tract is resold.
- (5) The name and address of the undertaker or funeral home.
- (6) The lot where buried.

[Amended by Ord. No. 6635, enacted April 6, 1992; Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.134 Purchase of Burial Lots.**

(1) Parties desiring to purchase burial lots in Klamath Memorial Park shall apply to designated staff and, upon the selection of a burial lot or lots and final payment, therefore, may receive a recorded and signed deed to the property.

(2) No burial lot shall be used until paid for in full.

[Amended by Ord. No. 6411, enacted Jan. 3, 1983; Amended by Ord. No. 6635, enacted May 6, 1992; Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.136 Transfer of Lots.** If the owner of an unused burial plot at Klamath Memorial Park, which is paid for wants to transfer the lot to a 3<sup>rd</sup> party, the owner shall submit to designated staff a notarized letter providing the property description (Grove, Block, Section and Lot) and the new owner's name and address. A deed transfer fee must also be submitted to pay for administrative costs of the work in making the transfer on the books, maps and records and preparation of a new deed for the new owner.

[Amended by Ord. No. 6635, enacted May 6, 1992; Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.138 Interments.** No interment shall be made until an order is secured from the designated staff. The burial order shall be applied for at least forty-eight (48) hours (not counting weekends and legal holidays) before burial, except in cases of emergencies when shorter times may be arranged. The burial order shall be issued by designated staff. All requirements of State laws and regulations pertaining to interment or burial shall be complied

with. Burial of more than one in the same grave is only allowed in cases of parent and baby, babies less than eighteen (18) months old whose deaths occurred at the same time, the combination of an interment and an inurnment, or two inurnments. When a cremation urn is placed in a casket for burial in Klamath Memorial Park or Linkville Pioneer Cemetery the responsible Funeral Director must notify cemetery personnel of such action for the state required record keeping.

[Amended by Ord. No. 6411, enacted Jan. 3, 1983;

Amended by Ord. No. 6635, enacted May 6, 1992; Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.140 Classifications for Burial Purposes.** A person buried in a casket two (2) feet or longer shall be classified as an adult or child. A person buried in a casket less than two (2) feet shall be classified as a baby.

[Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.142 Caskets.** All caskets shall be enclosed in a concrete liner, polypropylene liner, or a steel vault or other non-corrosive material approved by the Parks, Recreation and Cemeteries Advisory Board and the Parks, Recreation and Cemeteries Manager, except in the case of the burial of babies when a casket/vault combination is permitted.

[Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.144 Burial of Other Than Owner in Lot.** The owner of a lot has a right to give permission by written directive for the burial in his/her lot of the remains of others than his/her immediate family.

[Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.146 Affidavit by Heirs.** After the death of an owner of a lot, an affidavit of one of the heirs showing the facts relating to the heirship must be filed with the designated staff. Blank affidavit forms can be obtained from the designated staff. Ownership of the lot will be determined based on the information in the affidavit. In addition, notarized letters from all other heirs stating they claim no interest in the lot must be submitted to designated staff. A deed transfer fee must also be submitted to pay for administrative costs of the work in making the transfer on the books, maps and records and preparation of a new deed for the new owner(s).

[Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.148 Park Service.** In addition to the cost of the burial lot, there shall be a charges for various park services which must be paid for prior to burial. Park services shall include the opening and closing of the grave; concrete grave liner, polypropylene liner, or steel vault; inspection and installation of foreign grave liners; and such other services as the Council or the City Manager may approve. Foreign liners must be delivered 48 hours (not counting weekends and legal holidays) prior to the arranged burial. When placing a cremation urn in

the ground at Klamath Memorial Park or Linkville Pioneer Cemetery, a cremation vault, will be required.

[Amended by Ord. No. 6635, enacted May 6, 1992; Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.150 Planting; Landscaping.** All landscaping work in Klamath Memorial Park and Linkville Pioneer Cemetery, such as planting trees, shrubs, landscaping and other work, shall be done by the City.

[Amended by Ord. No. 6411, enacted Jan. 3, 1983;

Amended by Ord. No. 6635, enacted May 6, 1992; Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.151 Contracted Work.** Any entity contracted to do work on the Klamath Memorial Park or Linkville Pioneer Cemetery properties shall be required to furnish evidence of liability insurance providing for a minimum of One Hundred Thousand Dollars (\$100,000.00) bodily injury coverage per person, Three Hundred Thousand Dollars (\$300,000.00) bodily injury insurance per occurrence, and One Hundred Thousand Dollars (\$100,000.000) property damage coverage. The City shall be named as an additional insured. The liability insurance shall apply to and provide coverage for any and all claims for bodily injury, death and property damage arising from or caused by the activities of the said entity in performing the work.

[Added by Ord. No. 06-18, enacted June 19, 2006.]

**9.152 Grave Markers.**

(1) There shall be no memorials in Klamath Memorial Park erected above the surface of the ground except for flower vases. The specifications and materials of all markers and other articles to be used in Klamath Memorial Park and Linkville Pioneer Cemetery and the procedures for placing such markers and other articles shall be established pursuant to Section 9.170(1). No marker shall be placed until the lot and all other fees due the City have been paid in full.

(2) The City shall have available markers, vases, and other items required in the Klamath Memorial Park plan. No City marker shall be installed until it is fully paid for.

(3) If a bronze marker, meeting the specification of Subsection (1) is delivered to the cemetery for City placement, a charge shall be made for setting, placing and inspecting the marker.

(4) Any person setting a marker in the park shall be required to furnish evidence of liability insurance providing for a minimum of One Hundred Thousand Dollars (\$100,000.00) bodily injury coverage per person, Three Hundred Thousand Dollars (\$300,000.00) bodily injury insurance per occurrence, and One Hundred Thousand Dollars (\$100,000.00) property damage coverage. The City shall be named as an additional insured. The liability insurance shall apply to and provide coverage for, any and all claims for bodily injury, death and property damage arising from or caused by the activities of the person in setting the marker. [Amended by Ord. No. 6411, enacted Jan. 3, 1983; Amended by Ord. No. 6635, enacted May 6, 1992; Amended by Ord. No. 06-18, enacted June 19, 2006.]

**9.154** [Repealed by Ord. No. 6411, enacted Jan. 3, 1983.]

**9.156 Burial of Urns.** For the burial of an urn or other form of burial not provided for in Sections 9.130 to 9.170, the Council shall establish proper methods and charges by resolution.

**9.158 Grave Adornments.** During the mowing season, one (1) permanent vase per grave plot as approved by designated staff will be allowed, except on holidays when this rule shall not apply. Flowers must be placed in the approved flower vase. Wire hooks or tie downs for any grave adornment are prohibited. The Parks, Recreation and Cemeteries Manager may, at his/her discretion, authorize additional grave adornments to be placed during the year at times other than the mowing season. Replacement of any memorial marker or flower vase stolen from Klamath Memorial Park or Linkville Pioneer Cemetery is the sole responsibility of the lot owner and not the responsibility of the City.

[Amended by Ord. No. 6635, enacted May 6, 1992; Amended by Ord. No. 06-28, enacted June 19, 2006.]

**9.160 Cutting, Picking of Flowers; Injuring Property.** No person shall cut, pick or remove flowers or plants without permission of the designated staff; or break or injure the trees or shrubs on any lot or grave, or injure or deface any monument, vault, structure or other property.

[Amended by Ord. No. 06-28, enacted June 19, 2006.]

**9.162 Removal of Funeral Designs.** Funeral designs and floral pieces will be removed from graves when they become wilted or unsightly. Persons desiring to retain any design or floral pieces must remove them within two business days after interment.

[Amended by Ord. No. 06-28, enacted June 19, 2006.]

**9.164 For Sale Signs.** Signs indicating that a lot is for sale, or signs, cards or advertisements of any kind, are prohibited.

**9.166 Minors to be Accompanied by Adults.** No minor shall be admitted unless attended by a responsible person. Children are not allowed to run at will over the grounds.

**9.168 Disinterments and Reburials.**

(1) No body once buried may be removed from one part of the cemetery to another part thereof without a permit having first been obtained for that purpose from the Parks, Recreation and Cemeteries Manager. The application for the permit shall state the reason therefore. Designated staff shall, if there is no cause for denying the request, issue a permit for the removal. Upon removal, the cemetery records shall be amended by designated staff to show the new burial location.

(2) No body once buried may be disinterred and removed until all state laws pertaining to disinterments and removals have been complied with. Before the disinterment, application for a permit for such removal shall be made to the State Health Division's vital statistics section.

(3) The burial transit permit issued by the health authorities must be deposited with the designated staff at or before the time of burial.

[Amended by Ord. No. 06-28, enacted June 19, 2006.]

**9.170 Rules, Regulations and Prices.**

(1) The Council may, on its own motion or by recommendation of the Advisory Board, adopt by resolution reasonable rules and regulations for the control and use of Klamath Memorial Park and Linkville Pioneer Cemetery. The rules and regulations may be modified or changed as the Council may determine.

(2) Prices of lots, park service, markers, vases and urns, and other cemetery items shall be set by the written order of the Parks, Recreation and Cemeteries Manager and the Community Development Director and may be modified from time to time to reflect increased costs to the City.

[Amended by Ord. No. 6635, enacted May 6, 1992; Amended by Ord. No. 06-28, enacted June 19, 2006.]

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**PENALTY**

**9.990 Penalty.** Violation of any provision of this Chapter shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00) per occurrence.  
[Amended by Ord. No. 06-28, enacted June 19, 2006.]