

**POULSBO DISTRIBUTION SCHEDULE**

**ORDINANCE NO. 2020-03**

**SUBJECT: Poulsbo Cemetery Ordinance Update**

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**CONFORM AS TO DATES & SIGNATURES**

- Filed with the City Clerk: 02/18/2020
- Passed by the City Council: 03/04/2020
- Signature of Mayor
- Signature of City Clerk
- Publication: 03/13/2020
- Effective: 03/18/2020
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**DISTRIBUTED COPIES AS FOLLOWS:**

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Rhiannon Fernandez  
City Clerk

03/05/2020  
Date

**ORDINANCE NO. 2020-03**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO THE POULSBO CEMETERY; REPEALING AND REENACTING CHAPTER 2.76 OF THE POULSBO MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, the City of Poulsbo has a public cemetery that is available for public use; and

**WHEREAS**, rules and regulations for the Poulsbo cemetery were established in 1978 and no longer reflect city practices as they have evolved over time; and

**WHEREAS**, the City Council desires that the rules and regulations for the cemetery be revised to reflect current practice in order to ensure that use of the cemetery property is orderly and that the public interest is protected;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Chapter 2.76 CITY CEMETERY.** Chapter 2.76 of the Poulsbo Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 2.76  
CITY CEMETERY

Sections:

- 2.76.010 Policy.
- 2.76.020 Definitions.
- 2.76.030 Cemetery Caretaker—Designated.
- 2.76.040 Cemetery Caretaker—Duties.
- 2.76.050 Cemetery Staff Authority.
- 2.76.060 City Clerk—Duties.
- 2.76.070 Admission to Cemetery.
- 2.76.080 Cemetery Vehicle Regulations.
- 2.76.090 Cemetery Rules of Conduct.
- 2.76.100 Cemetery Lot—Sale.

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- 2.76.110 Cemetery Lot—Limitation on resale.
- 2.76.120 Cemetery Lot—Limitation on use.
- 2.76.130 Cemetery Expansion – Prohibited.
- 2.76.140 Interment.
- 2.76.150 Interment/Disinterment—Notice.
- 2.76.160 Interment – Individual Lot.
- 2.76.170 Shrubs and Trees—Planting.
- 2.76.180 Shrubs and Trees—Growth.
- 2.76.190 Grave Markers—Installation.
- 2.76.200 Individual Cemetery Lot Decorations.
- 2.76.210 Gravesite Maintenance.
- 2.76.220 Use of Covered Area
- 2.76.230 Conveyance Error Correction – Rights Reserved.
- 2.76.240 Violation—Penalty.

2.76.010 Policy.

The policy of the City of Poulsbo is to maintain the cemetery as a permanent public burial ground, and to permit in the cemetery such structures, landscaping, and decoration as shall be deemed by the cemetery caretaker to be consistent with the regulations and guidelines in this chapter.

2.76.020 Definitions.

As used in this chapter, the following words have the meanings prescribed:

- A. "Block" – a cemetery lot that is a designated land area composed of twenty-four regular gravesites.
- B. "Burial" – the placement of human remains in a grave.
- C. "Cemetery" – the burial ground commonly known as the Poulsbo Cemetery as its plat is recorded in the Kitsap County auditor's office, including without limitations:
  - 1. All land dedicated, reserved, or used for interment of the remains of human dead;
  - 2. All vegetation therein;
  - 3. All graves or other interment spaces therein;
  - 4. All roads, walkways, and other structures of every kind therein; and
  - 5. All equipment and facilities incidental to the operation of the cemetery.
- D. "Cemetery Caretaker" – the public works superintendent and his/her designated assistants.
- E. "Cemetery Lot or Plot" – a designated land area within the cemetery which shall be one of the following classes:
  - 1. cremains gravesite;
  - 2. regular gravesite;
  - 3. family lot; or
  - 4. block (or some fraction thereof).
- F. "Cemetery lot owner" – any person, firm or corporation who owns a deed to a cemetery lot in the city's cemetery.

- G. "Cemetery staff" – employees of the city's public works department.
- H. "Cremains gravesite" – a cemetery lot designated on the cemetery plat as suitable for the interment of cremated human remains.
- I. "Family lot" – a cemetery lot composed of six regular gravesites.
- J. "Grave Marker" – any headstone or monument that is intended to permanently mark a grave.
- K. "Gravesite, regular" – a space of ground in the cemetery used or intended to be used for interment of human remains. General dimensions are not to exceed nine (9) feet by four (4) feet.
- L. "Interment" – to deposit for burial into the earth human remains, whether cremated and inurned or placed in a casket.

2.76.030 Cemetery Caretaker – Designated.

The cemetery caretaker shall be the public works superintendent and his/her designated assistants.

2.76.040 Cemetery Caretaker—Duties.

The cemetery caretaker is responsible for the following duties:

- A. The care and maintenance of the cemetery. Such care and maintenance shall not include the maintenance, repair or replacement of flowerpots, grave markers or any other decorations or structures placed upon a gravesite by, or at the request of, a private party.
- B. Financial administration of the cemetery, including submitting to the city council a proposed budget for the cemetery for each fiscal year and administering the disbursement of those funds budgeted each year for the care and operation of the cemetery.
- C. Keep and maintain records of the names of the persons whose remains are interred within the cemetery and the location of those remains.

2.76.050 Cemetery Staff Authority.

Cemetery staff are authorized to enforce all rules and regulations and to exclude from the cemetery any person violating the same. Except as otherwise provided in this chapter, cemetery staff are responsible for maintenance of the grounds.

2.76.060 City Clerk - Duties.

The city clerk and his/her designated assistants shall be responsible for the following duties:

- A. Sale of lots, including but not limited to executing deeds for purchased lots.
- B. Keep and maintain records of the number, location, and ownership of the cemetery lots in the cemetery.

2.76.070 Admission to Cemetery.

Visitors and the public are invited to utilize the cemetery in a manner consistent with its purpose as a place of interment and as a memorial. The cemetery is also recognized as a site of significant historical value, such that respectful activities focused on local history and public education regarding pioneers and community members interred within the cemetery are permitted as long as there is no conflict with interment or memorial services being conducted.

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2.76.080 Cemetery Vehicle Regulations.

No vehicle shall be operated in any part of the cemetery except on the driveways/roads laid out for that purpose. No vehicle shall be operated in the cemetery at a speed exceeding ten (10) miles per hour.

2.76.090 Cemetery Rules of Conduct.

In addition to general laws applicable to conduct, the following rules of conduct shall apply to all persons in the cemetery:

- A. No person shall handle, climb upon, deface, damage, or otherwise mistreat grave markers.
- B. No person shall move, repair, or otherwise alter any grave marker without the prior written consent of the cemetery caretaker.
- C. No person shall write upon, deface, or damage any fence or other structures within the cemetery.
- D. No person shall litter upon the cemetery premises, including without limitation the discarding of wilted or dead flowers and any other refuse on drives, paths, or the grounds.
- E. Except as otherwise allowed under this chapter for purposes of maintenance, no person shall pick any flower, or break or remove any tree or plant or any part of any tree or plant.
- F. Walking of dogs is allowed in compliance with leash laws and other regulatory guidelines.

2.76.100 Cemetery Lot - Sale.

A. To the extent available, cremains gravesite lots and regular gravesite lots shall be available for purchase at the office of the city clerk at the rates set forth in section 3.12.040(A). B.

All lots/plots in the cemetery are conveyed to the purchaser by warranty deed upon full payment; however, the rights of the purchaser are subject to such rules and regulations as are made from time to time by the city council.

C. In the event that the person holding title to the cemetery lot dies, ownership of the lot should pass to the deceased person's estate or to a person designated in a legal will. In this way, private ownership of a cemetery lot should normally continue as would responsibility for upkeep and maintenance.

2.76.110 Cemetery Lot - Limitation on resale.

No sale, transfer, or conveyance of any cemetery lot or interest therein shall be valid without the consent of the city clerk and any sum received by the seller in excess of the original purchase price shall be turned over to the city's finance department.

2.76.120 Cemetery Lot - Limitation on use.

Use of all cemetery lots shall be limited to the interment of human remains. Burial of pets or other animal remains are not permitted.

2.76.130 Cemetery Expansion - Prohibited.

The Poulsbo Cemetery and First Lutheran Church Cemetery are the only cemeteries which now exist within the city limits. No additional cemeteries may be created within the city nor shall any additions be made to existing cemeteries.

2.76.140 Interment.

Cemetery lots must be paid for in full prior to interment.

2.76.150 Interment/Disinterment - Notice.

Prior to the interment or disinterment of any human remains on a cemetery lot, the owner of the lot or a representative shall notify the public works superintendent, of the planned interment or disinterment and shall include in the notice the following information:

- A. The date on which interment or disinterment will occur.
- B. The name of the person whose remains will be interred or disinterred.
- C. The description and location of the cemetery lot as contained in the deed.
- D. If the cemetery lot contains more than one regular gravesite or cremains gravesite, the location within the cemetery lot of the individual gravesite or individual cremains gravesite on which interment or disinterment will take place.
- E. An affidavit signed by the lot holder or the lawful representative approving the interment or disinterment.
- F. If disinterment is to occur, proof of compliance with RCW 68.50.200 as it now exists or may hereafter be amended, including written consent of the appropriate next of kin or permission from the Kitsap Superior Court.
- G. If reinterment is to occur, the proper papers as prescribed by law to move remains from another cemetery to be reinterred in the Poulsbo cemetery.

2.76.160 Interments – Individual and Cremains Lot/Plot.

- A. Regular gravesites are designated for one casket, one casket and one cremated remains, or a maximum of two cremated remains.
- B. Cremains gravesites are designated for one cremated remains only.

2.76.170 Shrubs and Trees—Planting.

All persons desiring to plant shrubs or trees upon or near any cemetery lot must first obtain permission to do so from the cemetery caretaker, whose decision to grant or withhold such permission shall be final. Future planting of trees or shrubs is prohibited in the relatively flat area below the hillside, delineated as the area west of the most westerly lane within the cemetery.

2.76.180 Shrubs and Trees—Growth.

No cemetery lot owner or other person responsible for the planting of a tree or shrub within the cemetery shall permit that tree or shrub to grow wild and/or to exceed four feet in height. Any tree or shrub which is allowed to grow wild or which is allowed to grow above four feet in height may be trimmed or removed at the discretion of the cemetery caretaker and at the expense of that person on whose cemetery lot the tree or shrub is located or at whose instigation the tree or shrub was placed within the cemetery.

2.76.190 Grave Markers - Installation.

- A. All grave markers and all containers used for holding flowers and other gravesite decorations shall be approved by the cemetery caretaker and installed flush with the contour of the ground. In those cases where a spouse expired and was interred prior to March 1, 1978, the surviving spouse shall be allowed to have a matching raised grave marker if the first gravesite was marked with a raised marker.
- B. Grave markers will generally be installed by a monument company after consultation with the cemetery caretaker to enable the cemetery caretaker to mark the location of the lot. The installation of grave markers by private parties shall meet the cemetery specifications on the border size of the marker, as identified in 2.76.190(C), and the private parties shall clean up the area when finished. Cemetery staff will review the grave marker installation to ensure the work meets cemetery standards.
- C. Ground level markers must be four (4) inches thick with a cement or granite foundation and shall be no larger than twenty (20) inches by thirty-two (32) inches for a single gravesite and no larger than twenty (20) inches by forty-four (44) inches for a companion gravesite and no larger than twelve (12) inches by twenty (20) inches for a cremation gravesite.
- D. Cemetery lot owners must keep all grave markers or monumental work upon the gravesite in good repair. The city does not maintain, repair, or replace any grave marker or monumental structures erected upon the gravesite.
- E. Exception. In those cases where a spouse expired and was interred prior to March 1, 1978, the surviving spouse shall be allowed to have a matching marker if the first gravesite was marked with a raised grave marker. The city is not liable for any damage which may occur to any grave markers and/or containers by the elements, thieves, vandals, or by any other cause beyond the city's control.

2.76.200 Individual Cemetery Lot Decorations.

- A. No boxes, shelves, toys, metal designs, ornaments, chairs, settees, glass, wood or iron cases, and similar articles shall be placed upon cemetery lots without the prior consent of the cemetery caretaker. If the articles are placed upon or around any cemetery lot without such prior consent, the cemetery caretaker may remove them and may dispose of them without incurring liability to any person. See Section 2.76.210 (C) 1-3.
- B. No cemetery lot shall be defined by fence, railing, coping, hedge, or by any other marking which extends above the ground without the prior consent of the cemetery caretaker. C. The cemetery caretaker shall have authority to remove all floral designs, flowers, trees, shrubs, plants or herbage of any kind from the cemetery when, in the judgment of cemetery staff, they become unsightly, dangerous, detrimental, diseased, or when they do not conform to the standards maintained by the city. The city shall not be liable for lost, misplaced or broken flower vases, baskets, frames, or other articles left at a gravesite. The city reserves the right to regulate the method of decorating cemetery lots.

2.76.210 Gravesite Maintenance.

- A. The Pouslbo cemetery is a non-endowment care cemetery and, thus, does not charge supplemental fees for additional general care, maintenance, and embellishment of the cemetery.

- B. A member of the deceased's family or a family friend desiring to maintain and decorate gravesites may do so.
- C. A member of the deceased's family or a family friend shall have the ability to maintain cemetery lots in a reasonable manner not incompatible with the quiet enjoyment of neighboring plots, including but not limited to the following:
1. A permanent border flush to the ground may be erected and maintained as a border surrounding the gravesite.
  2. Within the border provided or, if no border is provided, upon the gravesite, the planting of flowers or shrubs is permitted.
  3. Decorations are permitted within the borders in accordance with section 2.76.200 as long as the decorations are maintained in a safe and reasonable manner, are not permitted to become dilapidated, and do not unreasonably interfere with the quiet enjoyment of families or other visitors at adjacent cemetery lots.
- D. The cemetery lot shall not be maintained by the city during the first 75 years following interment.
- E. If after 75 years following interment, at the cemetery caretaker's determination of deterioration, cemetery lots may have needed basic maintenance done by the city if no current cemetery plot owner, responsible living family members, relatives or civic organizations can be identified as responsible for continued maintenance of that particular cemetery lot.

#### 2.76.220 Use of Covered Area

Use of the covered structure for funeral services and special events is allowed for veterans or community volunteers consistent with the decorum of this cemetery. The covered structure is not intended to be used as a picnic or dining site. Use for commercial or retail purposes are also prohibited.

#### 2.76.230 Conveyance Error Correction – Rights Reserved.

The city reserves and has the right to correct any errors that may be made by it in the description, transfer, or conveyance of any cemetery lot, either by canceling the conveyance of the incorrect cemetery lot and substituting and conveying a cemetery lot of equal or greater value or, in the sole discretion of the city, by refunding the money originally paid for a cemetery lot. In the event the error involves interment/disinterment, the city shall exercise due care in completing the interment/disinterment, but shall assume no liability for damage to any casket, burial case, urn, or contents thereof incurred in making the disinterment, removal, and reinterment.

#### 2.76.240 Violation—Penalty.

Any person who fails to abide by the provisions of this chapter shall be guilty of a misdemeanor and subject to prosecution in the municipal court. In the alternative, the city may institute civil proceedings in either Kitsap County Superior Court or the city's municipal court to enforce the provisions of this chapter.



**Section 2. Severability.** If any section, sentence, clause, or phrase of this ordinance or any amendments adopted hereby, should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance or the said amendments.

**Section 3. Effective Date.** This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

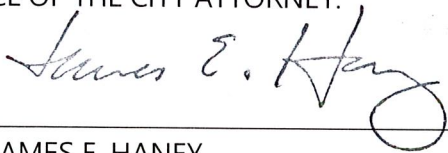
APPROVED:

  
\_\_\_\_\_  
MAYOR, REBECCA ERICKSON

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK, RHIANNON FERNANDEZ

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

  
BY \_\_\_\_\_  
JAMES E. HANEY

FILED WITH THE CITY CLERK: 02/18/2020  
PASSED BY THE CITY COUNCIL: 03/04/2020  
PUBLISHED: 03/13/2020  
EFFECTIVE DATE: 03/18/2020  
ORDINANCE NO. 2020-03

SUMMARY OF ORDINANCE NO. 2020-03

.of the City of Poulsbo, Washington

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On the 4th day of March 2020, the City Council of the City of Poulsbo, passed Ordinance No. 2020-03. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO THE POULSBO CEMETERY; REPEALING AND REENACTING CHAPTER 2.76 OF THE POULSBO MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 4th day of March, 2020.

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CITY CLERK, RHIANNON FERNANDEZ