

TITLE 10

PARKS AND CEMETERY

Section

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Title 10 was recodified by Ordinance 710, effective 5-4-81.

10-1-1. Commission Established. -

(a) A Parks and Recreation Commission is hereby established to consist of not less than seven nor more than twelve commissioners who shall be residents of the Lander area. For purposes of this Ordinance, the Lander area shall be defined as the area encompassed by Fremont County School District Number 1. Members shall be appointed without consideration of political affiliation by the Mayor with the consent of the City Council. The Mayor and City Council shall make and approve appointments to effect, if possible, a geographic and demographic representation of all residents of the City. No commissioner shall be entitled to receive any remunerated or benefit for his service, but shall be reimbursed for actual expenses incurred. *(Section 10-1-1 amended by Ordinance 1032, effective 12/13/00)*

(b) Each commissioner shall serve a term of four years. *(Section 10-1-1 amended by Ordinance 785, effective 1-26-85.)*

10-1-2. Regulations and Fees. - The Commission shall recommend regulations and use fees for all City parks and recreational facilities, subject to enactment by the City Council. The regulations shall be posted at each park or facility where they apply. No person shall violate or fail to comply with any regulations adopted by the City Council.

10-1-3. Role of Commission. - The Commission shall have primary responsibility for monitoring the operations of the Parks and Recreation Department and for recommending policy changes to the City Council. All regulations adopted by the

department staff must first be submitted to the Commission for review and recommendation to the City Council.

10-2-1 **Management Of Cemetery Properties** - The City Council shall monitor the management of all cemetery properties owned by the City of Lander, provide for general supervisory authority, and incorporate regulations for administration of activities and operations of the city owned cemetery, commonly known as Mt. Hope Cemetery, and any other city owned cemeteries. The authority is granted to the City of Lander by Wyo. Statutes, Sections 15-1-103, et seq. and Wyo. Statutes, Sections 35-8-101, through and including 35-8-407, as amended, from time to time, to provide for the use, maintenance and regulation of cemetery grounds and activities; sales of burial spaces, and interment requirements. In addition to the provisions of this Ordinance, all regulations, as approved by the governing body for the City of Lander, are made a part of this ordinance by reference, the same as though incorporated herein at length. Copies of these regulations are on file in the office of the City Clerk at City Hall and at the office at the cemetery.

10-2-2 **Cemetery Superintendent** – The cemetery superintendent shall, under the supervision of the City Council, have charge of all city cemeteries and shall have the following duties:

- A. Supervision of all work necessary to properly care for the burial spaces and lots in accordance with the arrangements made by purchasers with the City Clerk or her/his designee or City Treasurer by payment for such services;
- B. Taking proper and necessary care of all trees, shrubbery, etc., planted by or belonging to the City, as well as all paths, driveways, fences, buildings, etc., and keeping cemetery premises in a clean and orderly condition.
- C. Honoring cemetery permits issued by the City Clerk or her/his designee or cemetery personnel by properly opening and closing graves when and as required, pursuant to cemetery rules and regulations;
- D. Exercising proper care in safeguarding cemetery property;
- E. Making complaint against any person who shall violate any provision of this Ordinance or other ordinances of the City applicable to cemeteries;
- F. Keeping neat and accurate records, preserving cemetery permits issued by the City Clerk;
- G. Doing all other things necessary or required of him or her by the mayor or city council; and
- H. Permitting no burials except in compliance with the provisions of this Ordinance and the rules and regulations adopted for the cemeteries.

10-2-3 **Abstract Of Cemetery Lots – Record Of Interments** – The City Clerk, or her/his designee shall keep a full and complete abstract of the lots and grave

spaces in the city cemeteries, arranged consecutively by number and showing the name of the owner of each lot or burial space, date of purchase price and indicating when provision has been made for perpetual care. He or she shall also keep an alphabetical record of all persons buried in the city, showing the date. For each person buried in the city cemetery, the record will show the lot or grave space in which interment took place.

The City Clerk, or her/his designee, shall issue cemetery certificates of ownership for right of interment for certain cemetery lots upon application and payment of the prescribed fee and shall issue cemetery permits as provided in this Ordinance. No cemetery certificate of ownership for right of interment shall be issued until the lot or grave space is paid in full.

The cemetery superintendent shall also keep a full and complete abstract of the grave spaces, to include ownership, internments and all pertinent information of internments. The scheduling of services and internments shall be the responsibility of the cemetery supervisor, or his immediate subordinates, and will follow with a completed Cemetery Certificate showing monetary transactions, billing instructions, proper information for completing a Cemetery Certificate for Right of Interment, and all required vital statistics on interments or disinterments. Arrangements shall be made for all payments in advance for such services. A copy of said cemetery permit, along with all fees collected, by the cemetery supervisor, shall be paid to the City Clerk who shall receipt all moneys, record dates of service, names and addresses of owners of grave spaces.

BURIAL- TRANSIT PERMIT - According to Wyoming Statute, the cemetery superintendent will receive a Burial/Transit permit showing the state, county, and community where the deceased died, prior to burial and the cemetery supervisor will complete his responsible part of the Burial/Transit permit and file it with the county registrar within the 10 day mandate by law.

10-2-4 Conveyance Of Cemetery Lots – Cemetery lots or blocks may be conveyed by Certificates of Ownership for right of interment signed by the Mayor with the municipal seal attached and attested by the City Clerk in appropriate cases, specifying that the person to whom the same is issued is the owner of the lot or block, described therein by number or other symbol, for the purpose of interment, and such certificate shall vest in the person designated therein, his/her heirs or assigns, a right in fee simple to such lot or block for the sole purpose of interment, under the regulations of the City of Lander, and such certificate shall be entitled to be recorded in the office of the County Clerk in the proper county, without further acknowledgment, and such description of lots shall be deemed and recognized as a sufficient description of lots shall be deemed and recognized as a sufficient description thereof.

10-2-5 Cemetery Fees - The City Council will establish all fees involving the cemetery, including fees for graves, crypts, and perpetual care, and for all labor related fees, such as, opening/closing, and fees for record changing, such as transfers of ownership. All fees will be reviewed periodically to determine if they are adequate. All donations and perpetual care fees will be deposited in the Mount Hope Memorial Fund to be used for

improvements within the cemetery. All fees collected for cemetery use will be used in accordance to Wyoming Statute 35-8-103.

10-2-6 **Transfer Of Cemetery Property Ownership** - Individuals owning cemetery lots, their heirs, legal representatives or assigns, may add or transfer the ownership of the cemetery lots to other individuals through the City Clerk by completing a transfer of cemetery lot/space document and copies will be made available to the Cemetery Superintendent. Cemetery lots owned by deceased individuals may be transferred to their legal representative or next of kin by completing a transfer of cemetery lot/space document and providing documentation showing said right to own the property. The fee for filing such document will be in accordance with 10-2-5 of this Ordinance.

10-2-7 **Cemetery Rules And Regulations** – The City of Lander shall provide for the development of a set of Rules and Regulations Governing the overall operation of the cemetery, as well as a guide to be utilized by the Cemetery Superintendent, his/her subordinates, and the public. These rules and regulations will establish operating hours and times, sales, transfers, reservations of burial plots, burial procedures, burial containers, monuments, decorations, enforcement, and prohibited acts within the cemetery. The Rules and Regulations will be reviewed periodically, by the Cemetery Superintendent and provide to the City Council for adoption. Said rules and regulations will be made available to the public at the cemetery or city hall.

10-2-8 **Burials In Veteran's Area** - The City of Lander provides one (1) free grave space within the Veteran's section of Mt. Hope Cemetery for any deceased United States Veteran with a valid DD Form 214 or an Honorable Discharge to validate the deceased's veteran status. Opening and closing costs, perpetual care fees and all other fees will be paid in full prior to burial. The City of Lander, also, allows the cremated remains of the spouse, if not a veteran, to be interred with the veteran. All regulations governing the installation of grave markers or monuments, in place at the time of burial, will be enforced.

10-2-9 **Use Of Grave Spaces** - The City of Lander will allow one (1) full adult burial per grave space within the cemetery; there shall be no double-depth burials, and all burials will be done in accordance with the regulations of the City that are intact at the time of burial. However, small children or infants may be buried on top of an adult buried at the Cemetery Superintendent's discretion. Cremated remains shall be buried in graves with full burials, not to exceed 4 separate cremated remains. Single grave may be purchased for the burial of cremated remains, only, not to exceed 6 cremated remains. All regulations governing the installation of grave markers or monuments, in place at the time of burial, will be enforced.

10-2-10 **Burial Of Paupers And Indigents** - The City of Lander will provide a free grave space for the indigent provided that the only income to the funeral director is what is paid by The Wyoming Department of Family Services. The location of the grave will be the discretion of the Cemetery Superintendent. A request for payment for the opening/closing and other labor costs will be submitted to the Fremont County of Commissioners for any payments they may offer to pay.

10-2-11 **Disinterment** – The cemetery will do disinterments under the direction of a Wyoming licensed Funeral Director and a licensed mortician will be present during the disinterment. A State of Wyoming Permit for Disinterment, Transportation, and Reinterment Permit will be required as well as a letter of intent from the individual requesting the disinterment. Fees will be established in accordance to 10-2-5 of this ordinance.

10-2-12 **Buy Back Of Cemetery Lot** – The City of Lander may buy back cemetery graves for the fee that was originally paid for the lot and not the present market value of the lot, and will not include any perpetual care fees. All buy backs will be at the discretion of the Cemetery Supervisor.

10-2-13 **Number Of Lots Limited** – No person or entity may own more than ten (10) grave spaces at one time in the city cemeteries.

10-2-14 **Resale** – No cemetery lot or grave space in any city cemetery shall be sold to anyone for the purpose of resale.

10-2-15 **Perpetual Care Required – Fee** – Perpetual care shall be required for all sales of grave spaces in city owned cemeteries and for all graves that perpetual care has not been paid for previously. The rate for such perpetual care shall be in accordance with 10-2-5 of this Ordinance for each grave space, baby or single adult space, and columbarium space.

10-2-16 **Installment Payments For Burial, Lots And Perpetual Care** – Upon a deposit only for a cemetery lot and the perpetual care fee, the City Clerk may sell a cemetery lot in the city cemeteries and reserve the right to collect the balance on a time payment arrangement as follows:

- A. Upon written agreement on forms provided by the city, the purchaser shall have twenty-four (24) months within which to pay the total amount of such charge;
- B. No interment or inurnment shall be permitted until the full payment has been made; and
- C. If such charges are not fully paid for within twenty-four (24) months, the City may otherwise dispose of such burial space or reservation of right of interment or inurnment after tending a refund of payments made by such purchaser, excluding the perpetual care fee. Upon request such purchaser may have a refund of payment, excluding the perpetual care fee, at any time before the certificate of ownership or right of interment or inurnment is issued.

10-2-17 **Authority To Declare Abandoned Unoccupied Lots; Procedure; Resale** – The regulations and specifications for abandonment of the ownership of any unoccupied lots or partials or land in the city cemeteries shall be in accordance with Wyo. Stat. Section 35-8-212.

10-2-18 **Vaults, Crypts And Mausoleums** – All regulations and specifications for vaults, crypts and mausoleums shall be in accordance with Wyo. Stat. Section 35-8-401 through and including Section 35-8-407.

10-2-19 **Application – Prerequisites To Issuance Of Burial Permit** – Application for a burial permit shall be made to the City Clerk or her/his designee, before interment takes place. The applicant shall pay the required fees, and shall show that such applicant is the owner of or has authority to make interment in the lot or grave space for which the interment is requested. (*Sections 10-2-1 through 10-2-6 was amended by Ordinance 1147 effective 09/28/08*)

10-2-20. **Cemetery hours.**

- (a) Mount Hope Cemetery shall be closed between the hours of 9:00 p.m. and 5:00 a.m. each day, and it is unlawful for any person, except authorized City of Lander personnel, to be in the cemetery during those hours.
- (b) Persons found to be violating Section 10-2-6(a) shall be guilty of trespassing within the meaning of Lander City Code Section 7-5-1.

10-3-1. Definitions. -

(a) "**City property**" shall refer to any real property or improvements thereon owned, leased or otherwise maintained or utilized by the City of Lander, Fremont County, Wyoming.

(b) "**Camp or camping**" shall mean the use of property by travelers or other person as a temporary abode, whether or not a tent, trailer or other portable shelter is utilized. (*Section 10-3-1 created by Ordinance 774, effective 11-7-84.*)

10-3-2. City Park Rules -

- (a) **Hours of Operation:** All parks and recreational facilities within the City owned and maintained by the City for the public shall be closed between the hours of eleven p.m. and five a.m. each day, and it is unlawful for any person to be in an y such park or recreational facility during these hours, with the following exceptions:
 - (1) Overnight camping shall be allowed in City Park at those spots which are expressly designated and marked for that purpose. Overnight campers are limited to staying no more than three consecutive nights or staying longer than a period of 72 consecutive hours. There shall be no fees charged for camping in a city-designated camping area.

- (2) While city-recognized organized activities are occurring, e.g. softball games, rodeos, etc., the park shall remain open until the organized activity has finished.
 - (3) Persons using the City Park access road in order to access private residences located on the City Park access road.
- (b) Persons found to be violating Section 10-3-2(a) shall be notified by any City Employee, including Parks and Recreation employees, to vacate the premises and in the event they fail to do so shall be guilty of trespassing within the meaning of the Lander City Code Ordinance 7-5-1. (*Section 10-3-2 amended by Ordinance 1002, effective 5-26-98*)

10-3-3. Fees. - There shall be no fees charged for any camping in a designated campground as required by law and the ordinance of the City of Lander. (*Section 10-3-3 created by Ordinance 774, effective 11-7-84.*)