

<b>Policy Number:</b>	AD-CEM-1	<b>Effective Date:</b>	12/30/2022
<b>Approved By:</b>	City Manager	<b>Sunset Date:</b>	N/A
<b>Approval Date:</b>	12/30/2022	<b>Prepared By:</b>	Assistant City Manager
<b>Repeals/Replaces:</b>	N/A		
<b>Authority:</b>	Ordinance 5915		
<b>Cross References:</b>	K.S.A. 12-1401 <i>et. seq.</i> ; K.S.A. 65-1701 <i>et. seq.</i> ; K.S.A. 74-1701a <i>et. seq.</i> ; Chapter 3-9 Lenexa City Code; Ordinance No. 5915		
<b>Policy Purpose:</b>	The City of Lenexa Cemetery was established in 2022 pursuant to state law to manage, operate, and maintain an existing cemetery located at 8805 Pflumm Road, commonly referred to as the "Lenexa Cemetery." This Policy establishes the regulations and procedures concerning the operations and perpetual maintenance of the Cemetery.		

## **1. Introduction**

On December 6, 2022 the City Council passed Ordinance 5915 accepting the real property, personal property, records, and financial assets of the Lenexa Cemetery Association. The Association founded a Cemetery, located at 8805 Pflumm Road, in 1872 and have cared for and maintained it on a volunteer basis for 150 years. Due to the dwindling volunteer membership and concerns about the ongoing operations of the Cemetery, the Association requested that the City assume responsibility for the property pursuant to state law.

## **2. Definitions**

For the purposes of this policy, the following words shall have the meanings respectively ascribed to them herein:

**Affidavit of Plotholdership:** A document(s) produced by assumed plotholders attesting to the right of interment for themselves or their next of kin of a plot or plots at the Lenexa Cemetery.

**Burial Permit:** A permit issued by the Sexton of the Lenexa Cemetery authorizing an interment to commence at a specified time and plot.

**Certificate of Interment:** A document issued by the City certifying plotholdership of one or more plots at the Lenexa Cemetery.

Deed: A document certifying plotohldership of one or more plots issued by the Lenexa Cemetery Association prior to the City assuming ownership and responsibility of the Cemetery.

Disinterment: The exhumation or removal of intact or cremated remains pursuant to a court judgment, other lawful order, or request by the next of kin of the interred.

Funeral Director: An individual licensed by the Kansas State Board of Mortuary Arts to embalm, cremate, or otherwise prepare a decedent for interment pursuant to K.S.A. 65-1701 *et. seq.* and K.S.A. 74-1701a *et. seq.*

Funeral Establishment: A facility that is licensed by the Kansas State Board of Mortuary Arts to embalm, cremate, or otherwise prepare a decedent for interment pursuant to K.S.A. 65-1701 *et. seq.* and K.S.A. 74-1701a *et. seq.*

Interment: Burial of a decedent's intact or cremated remains.

Lenexa Cemetery Fund: The City fund where all financial transactions for the Cemetery are accounted for, including plot sales, interment fees, maintenance contracts, or other financial activities of the Cemetery.

Monument: A grave marker, headstone, or plaque placed on a Cemetery plot for the purposes of identifying and memorializing the interred.

Plot: A specified area of land in the Cemetery, which is typically 40" wide by 120" long and used for the purposes of interments; commonly referred to as a "grave."

Sexton: The Parks & Recreation Director of the City, or their designee, who is responsible for the operations and maintenance of the Cemetery and is authorized to transact business for the Cemetery on behalf of the City pursuant to City Code and this Policy.

### **3. Scope**

Ordinance 5915, this Policy, as well as applicable state and federal laws shall govern operations and maintenance of the Lenexa Cemetery. The City reserves the right to enact any policies or procedures or to take any actions deemed necessary to affect the perpetual care and maintenance of the Cemetery and to any appurtenances or associated grounds.

### **4. Ethics, Integrity, and City Values**

Section 1-6-H-1 *et seq.* of the City Code establishes a Code of Ethics for all City officers and employees. This Code of Ethics is reinforced through the City's Personnel Policies/Procedures and the City's values.

### **5. Responsibility of Enforcement and Delegation of Authority**

The City Manager will have overall responsibility for the enforcement of this policy. Requirements of this policy may be waived at the discretion of the City Manager, if such waiver is in the best interest of the City.

The Parks & Recreation Department shall manage, operate, and maintain the Lenexa Cemetery subject to any limitations and restrictions set forth herein or contained in any applicable law or City Code. The Parks & Recreation Director or their designee shall be named Sexton of the Lenexa Cemetery and shall be authorized to transact all necessary business on behalf of the Cemetery, including but not limited to coordination of plot sales, interments, disinterments, monument placements, service agreements, record keeping, as well as grounds maintenance and upkeep.

## **6. Cemetery Records & Finances**

The Sexton shall keep a record of all plot sales, ownership of plots, interment fees paid, refunds given, schedule of interments, and any other necessary documentation effectively and perpetually care for and maintain the Lenexa Cemetery. A map of plotholdership and record of interments shall be made available at the Cemetery for viewing by the public. Fees for the sale of burial plots, interments, disinterments, or other necessary charges shall be set annually by the Governing Body through the City's Schedule of Fees. The Sexton or their designee shall from time to time make reports to the Governing Body regarding the operations and finances of the Cemetery.

### Lenexa Cemetery Fund

All financial transactions concerning plotholdership, interments, disinterments, operations, or other Cemetery activities shall be recorded in the Lenexa Cemetery Fund.

### Plotholdership

- A. The City reserves the right to limit the grant of plotholderships and makes no guarantee to issue Rights of Interment for any currently unsold plots.
- B. The sale of vacant plots shall be made on a first-come, first-served basis. A Right of Interment Certificate shall be presented to the plotholder by the Sexton.
- C. Fees for interments must be paid at the time of interment and may not be prepaid.
- D. Refunds for plots duly held, but unoccupied, shall be made if an original Deed or Right of Interment Certificate is surrendered to the City. A refund will not be made if plotholdership of the subject plot(s) cannot be established by Deed or Right of Interment Certificate.
- E. No interment shall be made on any plot without the written permission of such plotholder being filed with the Cemetery, and no plot owners shall allow interments to be made in their lots for remuneration. Transfers of plotholdership shall be made through the Sexton, documented as such, and be subject to any transfer fees set forth in the City's Schedule of Fees. An original Deed or Right of Interment Certificate, or Affidavit of Plotholdership shall be presented to the City and a new Right of Interment Certificate issued in the succeeding plotholder's name.

- F. Plotolders who established their right to interment prior to the City assuming responsibility for the Cemetery may provide a written Affidavit of Plotholdership asserting such in lieu of a Deed originally issued by the Lenexa Cemetery Association. The City shall, in good faith, examine and attempt to verify each Affidavit of Plotholdership where no previously issued Deed is available.

## **7. Interments & Grounds**

### Hours of Operation

The Lenexa Cemetery is subject to the hours of operation and related provisions established for Lenexa parks in Section 3-9-E-9 of the Lenexa City Code.

### Code of Conduct

Visitors to the Lenexa Cemetery shall conduct themselves with proper decorum and respect for the interred and associated grounds and may be removed from the Cemetery for any breach of this rule, this Policy, or any general offense set out in Chapter 3-9 of the Lenexa City Code. Violators shall be subject to the penalties set forth in Chapter 3-9 of the Lenexa City Code.

### Interments

- A. Only human remains shall be interred in the Cemetery.
- B. Plotolders, the decedent's next of kin, their heirs, or other duly authorized representative of a plotholder shall arrange for interment of individuals through a funeral establishment or independent funeral director who shall contact the Sexton and coordinate a date and time for plot opening and closing.
- C. Notice shall be given to the Sexton at least two business days prior to the time of such interment, giving the location of the plot by block and row number.
- D. Notice is given when an application for a Burial Permit is made. All applicable interment fees must be paid prior to a Burial Permit being issued, either to the City directly or through the Funeral Establishment or Funeral Director.
- E. A Burial Permit noting the date, time, block number, plot number, ownership, as well as the name of the individual to be interred shall be issued by the Sexton prior to interment and/or burial service.
- F. Interments and/or burial services may be scheduled Monday through Friday 8:00 a.m. to 4:00 p.m. or Saturdays 8:00 a.m. to noon. Interments and/or burial services shall not occur on Sundays or any City-recognized holiday.
- G. The Sexton shall set a date and time for opening and closing of plots. No individual or entity other than those authorized by the City are permitted to open or close plots. The Sexton shall procure such services pursuant to the City's Purchasing Policy.

- H. All interments shall be made at least six (6) feet deep and in concrete or metal vaults. Caskets must be constructed of metal, except in the case of children two (2) years or younger who may be interred in wooden caskets.
- I. No more than one intact human remains shall be interred in one plot, provided, however, that two (2) sets of cremated remains may be interred in one plot, or one (1) set of intact remains and one (1) set of cremated remains may be interred in one plot. Additionally, the intact or cremated remains of a parent and one or two (2) children under the age of two may be interred together in one casket. Intact remains must be interred first.
- J. The City will not provide tents, chairs, grass matting, lowering devices, pedestals, or other appurtenances necessary for burial services. These items are to be provided by the funeral establishment, funeral director, or the next of kin.
- K. Disinterments shall be scheduled at the discretion of the Sexton and are subject to any fees established in the City's Schedule of Fees.

### Monuments

- A. All monuments must be placed wholly within the boundaries of the plot(s) it is intended to memorialize.
- B. No more than two monuments per plot will be allowed. Unless otherwise specified herein, these monuments may consist of a main monument placed at the head of the plot and a monument plaque placed at the foot of the plot that shall be flush with the ground.
- C. A monument for a single plot shall not be greater than 28 inches wide.
- D. A monument for two adjacent plots shall not be greater than 56 inches wide.
- E. Monuments encompassing more than two plots are prohibited.
- F. All monuments must be constructed of granite from recognized monumental quarries. All monument plaques shall be constructed of United States Bureau of Standards quality bronze.
- G. Only companies authorized by the City shall be allowed to erect monuments. General liability insurance in the amount of \$500,000.00 naming the City of Lenexa as an insured entity and evidence of adequate worker's compensation insurance shall be required by any monument company erecting monuments.
- H. A minimum of one business days' notice shall be given to the Sexton by the monument company for the installing of monuments. A bond will be required to insure compliance with these regulations and to correct any installation mistakes at the monument company's expense. Persons engaged in erecting monuments are prohibited from attaching ropes to trees and shrubbery and shall return the grounds surrounding the monument to as good or better condition that it was in prior to placing the monument.
- I. All monuments must be placed upon foundations built of solid masonry or concrete, with a depth no less than 12 inches, and a dimension to equal to the monument. All concrete foundations must be wet set. All slabs or collars for

bronze monument plaques must be made of granite. All bases for monument plaques must be a minimum of four (4) inches thick and a maximum of six (6) inches thick. All foundation work (including installation) must be done the same day the monument is delivered. The City shall neither take delivery of nor store any monuments. A final foundation inspection will be conducted by the Sexton or their designee before placement of any monument. Foundation resets may be made by employees of the City at the discretion of the Sexton and at the expense of the plot owner or monument company.

- J. All temporary monuments that are provided by funeral establishments or funeral directors at the time of interment must be placed flat on the plot and shall be removed upon installation of a permanent monument. Any temporary monuments that have not been replaced or removed after one year may be removed by the Sexton.
- K. The City shall have the right, but no obligation, to reset any or all monuments that are deemed detrimental to the appearance of the grounds, or which shall prevent proper care of the plot. Any monuments placed or replaced by the City shall be made at the City's sole discretion and the City shall have no obligation to repair or replace existing monuments.

### Decorations

The City assumes no responsibility for the placement or maintenance of any decorations sited on plots. The City reserves the right to remove and discard all decorations which shall prevent proper care and maintenance of any individual plot and/or the Cemetery grounds.

- A. All decorations must be within six (6) inches of any monument and wholly on the plot it is intended to decorate.
- B. Permanent plantings are prohibited.
- C. Natural and artificial flowers are permitted but are required to be displayed in non-glass containers. Glass containers/vases are prohibited.
- D. No other physical structures or materials other than monuments are allowed. This includes any fencing, edging, mulch, or gravel.
- E. No shepherd's hooks or other hanging baskets are allowed.
- F. Hanging items from trees or bushes is prohibited.
- G. All decorations will be removed and discarded when mowing and maintenance responsibilities require such removal, they become unsightly, do not meet the parameters of this Policy, or at the discretion of the Sexton.

### **8. Severability**

If for any reason any section, subsection, sentence, portion, or part of this Policy, or the application thereof to any person or circumstance, is declared to be

**AD-CEM-1**  
Cemetery Policy

unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Policy or other Governing Body Policies and the Lenexa City Code or other ordinances.