

ORDINANCE 2010-957

AN ORDINANCE OF THE CITY OF WAITSBURG, WASHINGTON, AMENDING TITLE 5 CHAPTER 2 OF THE WAITSBURG MUNICIPAL CODE RELATED TO INTERMENT PROVISIONS OF THE CITY CEMETERIES

WHEREAS, updates to the City Municipal Code related to the interment procedures are necessary to add a space purchase agreement and to make other amendments to the Code;

NOW THEREFORE, the City Council of the City of Waitsburg do ordain as follows:

SECTION 5.2.055 of the Waitsburg Municipal Code shall be amended and shall read as follows:

Title 5 – CITY FACILITIES

Chapter 2 – Cemetery

5.02.055 Reserved, unpurchased lots are subject to the most recent and available cost(s) associated with the interment policies established by the Waitsburg City Council.

5.02.055A. For spaces reserved after January 6, 2010. Cemetery spaces may be reserved, in which case a Cemetery Space(s) Purchase Agreement must be signed. All terms of the Cemetery Space(s) Purchase Agreement must be met, which includes that the purchase price must be paid in full within three (3) years of entering into the Cemetery Space(s) Purchase Agreement. Failure to comply with all of the terms of the Cemetery Space(s) Purchase Agreement will result in forfeiture of all payments and forfeiture of the cemetery space(s), which will revert to the City of Waitsburg for sale.

5.02.055B. In cases of extreme hardship, which are determined at the City's discretion and outlined in the Cemetery Space Refund Due to Extreme Hardship form, partial payments made on a single space may be returned to the purchaser, up to half of the amount paid toward space. Once a space is paid for in full, no refunds will be given. The endowment amount cannot be refunded, as once money is deposited in the endowment fund, the City cannot, by law, take money out of that fund. This applies to a single space only, as each space has to be paid in full before another can begin, with the exception being endowment fee, which can be paid toward as many spaces as a purchaser wants to reserve, but which cannot be refunded. Upon refund, all pertinent paperwork, including endowment certificate, will be returned to the City of Waitsburg, and the space will revert to the City of Waitsburg for resale.

5.02.055C. For spaces reserved prior to January 6, 2010. Any spaces reserved prior to Ordinance No. 957 going into effect on January 6, 2010, will not be subject to the terms of subsection A of this code provision. Instead, the terms of reservation and purchase will be governed by 5.02.055.

5.02.055D. Cemetery spaces purchased may be transferred to others by the purchaser. A Cemetery Space Beneficiary Transfer Agreement will need to be signed by the purchaser in order to transfer any spaces. In the event that the original purchaser is deceased, the next-of-kin will need to sign the Transfer Agreement instead.

5.02.145B. When interments must be made, advance notice shall be given to the City to provide a minimum of eight hours of daylight in order to properly prepare the grave. Burial permits shall be administered in accordance with the laws of the state of Washington. A Cemetery Interment Authorization Agreement must be signed with the City Clerk. A burial shall only take place after a burial permit has been obtained and presented to the Public Works Director or his designee(s) for approval, and with the Interment Authorization Agreement being signed and presented to the City Clerk.

This Ordinance shall take effect immediately upon passage by the Council and publication as required by law.

Passed by the Waitsburg City Council this 6th day of January, 2010.

Approved:

Attest:

Markeeta Little Wolf, Mayor

Randy Hinchliffe, City Clerk

Approved as to form:

Janelle Carman, City Attorney