

**Pilot Butte Cemetery
RULES & REGULATIONS
City of Bend**

In compliance with ORS 97.710, the City of Bend adopted these Rules and Regulations for the use of Pilot Butte Cemetery on this 5 day of October, 2018.


Eric King | City Manager

DEFINITIONS

Acceptable Container: a container that will insure protection to the health and safety of the cemetery personnel, provide a proper covering for all remains, and meet minimum requirements for the maintenance of appropriate respect and consideration.

Burial: The placement of human remains in a grave or lawn crypt.

Cemetery: A place a) dedicated to and used, or intended to be used, for a permanent memorial or the permanent interment of human remains; and b) that may contain a mausoleum, crypt or vault interment, a columbarium, an ossuary, a cenotaph, a scattering garden, any other structure or place used or intended to be used for the interment or disposition of human remains or any combination of these structures or places.

Cremation: the technical process, using direct flame and heat, that reduces human remains to bone fragments.

Cremated remains: the remains of a cremated human body after completion of the cremation process.

Funeral Services: services customarily provided by a funeral service practitioner including, but not limited to, care and preparation of human remains for final disposition, professional services relating to a funeral or an alternative to a funeral, transportation of human remains, limousine services, use of facilities or equipment for viewing human remains, visitation memorial services or services that are used in connection with a funeral or alternative to a funeral, coordinating or conducting funeral rites or ceremonies, and other services provided in connection with a funeral, alternative to a funeral or final disposition of human remains.

Interment: the disposition of human remains by inurnment, entombment or burial.

Inurnment: the placement of cremated remains in a receptacle and the deposit of the receptacle in a niche.

Lot, Plot Burial Space: space in a cemetery where a burial right is owned by one or more individuals, an association or fraternal or other organization and used, or intended to be used, for the permanent interment therein of the remains of one or more deceased persons. Such terms include and apply with like effect to one or more than one, adjoining grave, crypt, vault, or niche.

Memorial: a monument, marker, headstone, vase, crypt, and niche plates or name engraved on the memorial wall.

Memorial Wall: a granite wall bearing engraved names.

Plot Owner or Owner: any person identified in the records of the cemetery authority as owner of the burial rights to a burial plot, or who holds a certificate of ownership conveyed from the cemetery authority of the burial rights in a particular plot, lot, or space.

Second Right of Interment: The right, usually purchased, to place human remains in an interment space where a single Right of Interment was previously sold. The second right of interment is generally limited to placement of cremated remains.

GENERAL CEMETERY SUPERVISION

Enforcement of Rules and Regulations

The Cemetery Sexton is hereby empowered to enforce all rules and regulations, and to exclude from the cemetery property any person in violation of the rules or regulations. The Cemetery Sexton shall have charge of the grounds and buildings, and, at all times, including supervision and control of all persons in the cemetery, conduct of funerals, traffic, staff, plot owners and visitors.

Admission Hours & Days

Visitors are welcome on cemetery grounds every day from dawn to dusk. Cemetery office hours are 7:00 am to 3:30 pm Monday through Friday. The cemetery observes all holidays observed by the City of Bend.

Funerals

Funerals will be scheduled to occur and will be performed between the hours of 9:00 a.m. and 2:00 p.m. March through September, and between the hours of 9:00 a.m. and 1:00 p.m. November through February. All funerals upon reaching the cemetery shall be under the supervision of the Cemetery Sexton and staff. Funerals will be scheduled based on available staffing to ensure the proper performance and completion of all required tasks.

Improvements and Maintenance

No persons, other than cemetery staff, shall be allowed to perform any work within the cemetery without explicit authorization issued by the City and all work performed will be subject to all provisions contained within the cemetery Rules and Regulations.

All grading, landscape work, improvement of any kind, and care on all lots shall be completed only by cemetery management and/or staff. Planting, cutting, trimming, and removal of ground cover, trees, or shrubs will be performed only by the Cemetery Sexton and staff.

All openings and closings of graves, interments and disinterment, and all aspects of the disposition of human remains will be performed by cemetery management.

Location of memorial sites, determination of size, digging foundations, and other all aspects of preparing foundations for memorialization will be done by the Cemetery Sexton and staff exclusively.

Records

All files, papers, documents, reports, ledgers, maps, lot cards, correspondence, and other written records maintained by the City of Bend on behalf of Pilot Butte Cemetery are the exclusive property of the City of Bend.

The cemetery will keep records showing lot owners and grave locations, as well as the locations

of all lots and graves shown by a plat and a system of recorded measurement from fixed and indestructible land marks. For each lot the cemetery will keep record showing (1) the name of the deceased, (2) date of interment or disinterment, (3) corresponding lot number, (4) the interment/disinterment permit number, and (5) the name and address of the funeral service practitioner, as required by ORS 97.720(1).

Proper documentation and order for interment is required before the cemetery can complete arrangement for any burial. See "Required Authorizations."

Loss or Damage Protection

Cemetery staff and management shall have the right to maintain guard at the cemetery at any time of its choosing. The management shall have no liability for loss or damage caused by the elements, acts of God, wildlife, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, including the loss of human remains, under any circumstances.

VISITORS

All persons are welcome to visit the cemetery during open hours; however, all persons entering the cemetery grounds shall respect the rules and regulations of the cemetery provided herein.

Visitors who are not part of a funeral in progress shall not congregate or loiter around the grave while the interment service is in progress. Strangers are asked to keep a respectful distance during interment services.

Conduct

Cemetery visitors are reminded that cemetery grounds are devoted to the interment of the dead and that a strict observance of the proprieties due such a place will be required, whether or not specifically outlined in these rules. Loud, boisterous, and profane language is prohibited. No person will be permitted to disturb the quiet or good order of the grounds or to act in any unseemly, irreverent or boisterous manner.

Visitors will not cut, plant, pick, or remove flowers or any vegetation without permission from cemetery staff or management. Visitors are not allowed to break or injure trees or shrubs, feed or disturb the birds or other wildlife, or to injure or deface any monument, vault, structure, or other cemetery property. Violators will be subject to arrest and prosecution.

Children

Children are permitted on cemetery grounds provided they are under the direct supervision of an adult who will be responsible for their conduct. Children are not allowed to run at will over the grounds.

Pets

Pets are allowed in the cemetery only when on leash and under owner control. Owners walking dogs in the cemetery are expected to carry supplies to pick up any solid waste left by their animal on cemetery property, and to remove the waste from the cemetery.

Vehicles

Vehicle parking is restricted to designated parking areas and paved or graveled roadways only. Parking is not allowed in the grass or any areas that are off the main roadway. Please observe and obey the cemetery speed limit of 10 mph. Vehicles are not allowed to park or to come to a full stop in front of an open grave unless such automobiles are in attendance at the funeral.

Consumption on Cemetery Grounds

The possession or consumption of drugs or alcoholic beverages on cemetery grounds is not permitted.

Smoking

Smoking on cemetery grounds or in cemetery buildings is not permitted.

Firearms

No persons with firearms or weapons of any kind will be allowed to enter cemetery grounds, except in the case of a military funeral or by other authorized law enforcement officials. For military funerals, only active duty military personnel participating in the funeral shall be allowed to carry firearms.

Soliciting or Peddling

The soliciting of donations, distribution of printed material, or soliciting the sale of any commodity, other than by cemetery personnel, is strictly prohibited. No signs or advertising of any kind are permitted in the cemetery unless placed there by cemetery staff or management.

Trespassing

Any person found on cemetery property between the hours of dusk to dawn will be considered to be trespassing.

GROUNDS MAINTENANCE

Trees, Shrubbery, & Flowers

Planting trees and shrubs will be the sole charge of management in accordance with the general landscaping and grounds maintenance plan. No plantings are allowed other than what is planted by cemetery staff. Additional planting of trees, shrubs, and flowers may be allowed within certain areas of the cemetery with proper approval from cemetery management. No plantings of any kind will be allowed on graves.

If management determines that any tree, shrub, plant, or vine, by means of its roots, branches, or otherwise, becomes detrimental to lots or avenues, or dangerous or inconvenient to walks or roadways, or interferes with the general design of the cemetery, cemetery staff shall have the right and duty to remove the same when in their professional judgement it seems best. The determination to remove vegetation will be at the sole discretion of the cemetery staff without notice to any interested party.

Decorations

Decorations should be placed so as not to inhibit mowing, trimming, maintenance, etc. of the grave sites and grounds in general. Items may be removed at management discretion if interfering with routine maintenance or mowing. Items removed will be discarded and will not be returned to the plot owner. Shepherds hooks are only allowed in areas with upright monuments or markers and only one shepherds hook per monument. Shepherds hooks are not allowed in areas where markers are flush to the ground.

No curbing, fencing or borders of any kind or any rock, bark or similar materials are allowed around graves, monuments or markers.

The Cemetery is not responsible for theft or damage to any personal property, artifacts, personal effects, photographs, toys, etc. placed on or near interment space or elsewhere in the cemetery.

Artificial Floral Arrangements

Artificial flowers will be allowed year round and will be subject to pick up at management discretion when they become unsightly (i.e. faded, torn, etc.). Artificial flowers should be placed in approved containers or will be subject to pick up. Items that get picked up will not be held or stored by the cemetery and will be discarded. The Cemetery and management is not responsible for lost, stolen, damaged, or removed items on graves.

MEMORIAL, FOUNDATIONS & INSTALLATION

Foundation, Marker, or Memorial Placement

In order to keep all improvements uniform, the Cemetery reserves the right to regulate the size and quality of all memorial and other construction on any grave or lot within said cemetery, and to prevent the placement of any obstruction which may conflict with the regulations, or which may be injurious to the general appearance of the cemetery, and to remove the same if necessary.

Only one upright monument or marker per grave is allowed.

No marker will be removed from the cemetery, except by cemetery staff or management, unless with written permission from the owner and permission granted from cemetery management.

The name or inscription on each marker must correspond with the name and record in the office of the cemetery, and no changes shall be made thereon except upon request of the proper parties and by permission of the cemetery.

The cemetery reserves the right to correct any error that may be made by its employees or by any other person or persons in the location or placing of a memorial or marker in the cemetery.

Control of Work

No persons, other than cemetery staff, shall be allowed to perform any work within the cemetery without explicit authorization issued in writing by cemetery management. Authorized work will be subject to all rules and provisions contained herein pertaining to such activity.

All landscaping, grading, or improvement of any kind is to be performed only by cemetery staff or management. All care on lots, and all trees, shrubs and ground cover of any kind will be planted, trimmed, cut or removed by cemetery management and staff only.

All openings and closings, interments and removals, and every aspect of the disposition of human remains shall be done by the cemetery staff exclusively.

Location of memorial sites, determination of size and digging of foundations, pouring foundations, and all other aspects of preparing for foundations shall be done by cemetery staff exclusively.

BURIALS & REMOVALS

General

The Cemetery and staff reserve the right to open and close all graves in the cemetery for interments and disinterment. All full body human remains intended for interment shall be received at the cemetery in a suitable casket or container and will not be placed in the grave, crypt, or moved about without being in an acceptable container.

Once the interment ceremony is complete and the casket is ready to be placed, no person shall open the casket or touch the body without the consent of the legal representative of the deceased or an order of a court of competent jurisdiction; provided, the management may take appropriate action to correct any obnoxious or improper condition.

Notice

A twenty-four (24) hour notice, Sundays and holidays excluded, must be given to cemetery management before any burial. Cemetery management is authorized to refuse interment in, or the erection of, any memorial work on any lot against which there is an unpaid balance.

No disinterment or removal shall be made except by the management on request of the person(s) with legal authority to direct the same, or by court order prior to time of removal. At least a seventy-two (72) hour notice shall be given prior to any removal. The removal will be made at the convenience of the management, with consideration to inclement weather and weather predictions. The management may defer an interment until a more expedient time for any reason.

Burial Casket Container Standards

Remains received at the cemetery are required to be delivered in a wood, fiberglass, plastic or metal container or casket and made of such construction so as to, (1) assure protection to the health and safety of the cemetery personnel, (2) provide proper covering for the remains and (3) meet moral codes for the respect and dignity of the deceased.

The container is required to have a full top enclosure or "dome" that when in the closed position will completely shield the remains from view at all times, and a bottom that will not deflect under the weight of an adult human body. The Cemetery reserves the right to make exceptions for special circumstances, oversized or overweight deceased persons, children, partial remains or pathological tissues and other reasons determined by cemetery staff and/or management.

All babies or stillborn births shall be in a retrievable container. No biodegradable receptacles are permitted.

Delays in Interment

Pilot Butte Cemetery and the City of Bend shall be in no way liable for a delay in burial where a protest to the burial has been made, or where the Rules and Regulations have not been complied with or in the event of a strike, inclement weather, an act of God, common enemy, thieves, vandals, mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order by any military or civil authority.

Interment – Right of Descent

The surviving spouse shall have the first right of interment or entombment to the exclusion of all other persons. If no interment is made in a lot which has been transferred by deed or certificate or ownership to an individual owner, or if all remains previously interred are lawfully removed, upon the death of the owner, unless they have disposed of the lot either in a will by a specific devise or by a written declaration filed and recorded in the office of the cemetery authority, the interment rights descend to the heirs at law of the owner subject to the rights of interment of the decedent and the surviving spouse.

Second Right of Interment

A Second Right of Interment may be purchased for the placement of a second person's human remains in an existing interment space. A Second Right of Interment will generally be sold only for the interment of cremated remains provided there is adequate room in the interment space to accommodate the remains and only after the appropriate written authorizations are received. The Cemetery reserves the right to refuse Second Right of Interment if, in its sole discretion, the sale of the Second Right of Interment is clearly not in the best interest of the cemetery or in keeping with the intent of the original owner(s).

Required Authorizations

Pilot Butte Cemetery reserves the right to refuse interment or removal, except on written application by the legal representatives or proper authorities. Proper authorization is required for the cemetery to receive a body and perform interment. A permit is required for all burials or disinterment. Permit applications for burial must include, if known, (1) the full name of the deceased, (2) place of birth, (3) age, (4) date and place of death, (5) date of interment and location of grave, (6) name of mortuary, (7) outside size of coffin or box, (8) cause of death. Disinterment applications are required to provide evidence of the applicant's authority to take the action and that the human remains will be properly disposed of. A representative of the funeral home must be present during disinterment.

Telephone Orders

Pilot Butte Cemetery and the City of Bend shall not be held responsible for any order given by telephone or for any mistake occurring due to lack of precise or proper instructions.

Errors

The Cemetery shall have the right to correct any errors that may be made while performing interments, disinterment, or marker placement. Errors in descriptions, transfer, or conveyance of Rights of Interment may be corrected by substituting or conveying, in lieu thereof, other interment property of equal value and similar location as far as possible, and as may be selected by the Cemetery or, at the sole discretion of the Cemetery, by refunding the amount of

money paid on the account of such person. In the event that such an error shall involve the interment of remains of any person to other property reserved by, or conveyed to, another lot, plot, crypt, or niche owner by the Cemetery, the Cemetery shall have the right to transfer such remains to such other property of equal or similar value as far as possible as may be substituted and conveyed in lieu thereof. The Cemetery shall also have the right to require correction of any errors made upon placement of improper descriptions, including incorrect names and dates on any memorial marker.

Payment

No burial, interment, disinterment, entombment or inurnment will be permitted or memorial placed in or on any property until such service, space, crypt, or niche is paid for in full, except by special consent of management in writing in each and every case. See pricing addendum for detailed price sheet.

Identification

The Cemetery assumes no duty for identity of the remains of the deceased, and can give no assurance that the remains interred are that of the person shown on the interment authorization executed and delivered to cemetery staff. Pilot Butte Cemetery relies on the representation of the family, funeral director, or others making such statements of identity for interment authorization, burial permits, or death certificates, and shall have no individual obligation to establish or verify the identity of the remains.

Laws

In addition to being subject to these Rules and Regulations, all burials and removals are made subject to the orders and laws of the properly constituted city, state, and county authorities. Pilot Butte Cemetery is licensed through the Oregon Mortuary and Cemetery Board, and operates in accordance with Oregon Revised Statutes (ORS) Chapter 692 and the Oregon Secretary of State Administrative Rules (OAR) Chapter 830.

Liability

The cemetery staff shall exercise the utmost care in performing disinterment, but it assumes no liability for damage to any casket, burial case, or urn in the process of making such removals.

RIGHTS OF LOT OWNERS

Only the right to inter is conveyed. The City of Bend on behalf of Pilot Butte Cemetery retains all other interests in the space conveyed. All interment rights conveyed to individuals are the sole and separate property of the owner named in the instrument of conveyance.

Successors in interest shall be determined as follows: the spouse of an owner of any lot containing more than one interment space has a vested right of interment of his/her remains in the lot and any person thereafter becoming the spouse of the owner has a vested right of interment of his/her remains in the lot if more than one interment space is unoccupied at the time the person becomes the spouse of the owner.

No conveyance or other action of the owner without the written consent of joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of

divorce between them terminates the vested right of interment unless otherwise provided in the decree.

In a conveyance to two or more persons as joint tenants, each joint tenant has a vested right of interment in the lot conveyed. Upon the death of a joint tenant, the title to the lot held in joint tenancy immediately vests in the survivors, subject to the vested right of interment of the remains of the deceased joint tenant.

A vested right of interment may be waived and is terminated upon the interment elsewhere of the remains of the person in whom vested.

An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the lot is complete authorization to the cemetery to permit the use of the unoccupied portions of the lot by the person entitled to the use of it.

Change of Address

It is the duty of the lot owner to notify the cemetery of any change in postal address. Notice sent to a lot owner at the last address on file in the office of the cemetery will be considered sufficient and proper legal notification.