

ORDINANCE NO. 2001-12-100

**AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 8.08, REGARDING CEMETERY OPERATIONS MODIFYING THE DESIGNATION OF CEMETERY IMPROVEMENT AND PREARRANGEMENT FUNDS TO CEMETERY IMPROVEMENT AND PREARRANGEMENT RESERVES.**

WHEREAS, the City Council authorized Improvement and Prearrangement Funds and Cemetery Operating Procedures; and

WHEREAS, changes in the City code are necessary to designate prearrangement and improvement reserves and other undated cemetery procedures should be reflected in the Code; and

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

**Section 1.**

Bellingham Municipal Code Section 8.08.040 be and hereby is amended to read as follows:

**8.08.040 - Price Of Graves And Service**

- A. The fees charged for graves and services are established by the City Council by resolution.
- B. To the grave sale price shall be added 10% of such sales, which amount shall be deposited in the cemetery improvement reserve.

**Section 2.**

Bellingham Municipal Code Section 8.08.050 be and hereby is amended to read as follows:

**8.08.050 - Method Of Payment**

- A. All sales shall be made for cash. There shall be three types of sales:

City of Bellingham  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360) 676-6903

- (1) At-need sales for graves, services, memorials, and materials.
- (2) Pre-need sales for graves.
- (3) Prearrangement sales for services and materials.

B. In cases of financial hardship, the Cemetery supervisor may recommend waiver of the cash payment requirement only on at-need agreements. Authorization of the waiver to be approved by the Park Operations Manager.

- (1) A cash down payment of at least 60% is required and the unpaid balance is to be paid over a 90-day contract at the established monthly interest rate of one-half of one percent. Any request for exception to this paragraph to be submitted in writing to the Director of Parks and Recreation explaining why the conditions of the contract cannot be fulfilled. The Director, in writing, may or may not extend the payment to a date certain in the future.
- (2) On all contracts, payments on account are deemed delinquent the day after payment is due. Delinquency shall be considered a material breach of the agreement justifying automatic termination, and the City shall have the right to remove any and all remains interred and re-inter the same in such place as the Director of Parks and Recreation may direct.
- (3) Upon default in payment at any time of the balance due or failure to remit any accrued finance charges, Bayview Cemetery will suspend and may deny further Cemetery services until full payment is made.
- (4) No memorialization shall be allowed on any grave or other burial space without full and complete payment of delinquent amounts.
- (5) The City is not authorized to accept assignments. The individual responsible for the Cemetery services and who signs the contract shall pay all costs and thus be held personally liable for the contract.

B. Unless arrangements are otherwise made with the city in writing, ownership of graves shall revert to the city in the event that the purchase price is not fully paid within 90 days of the date of sale, or if any other term, condition, or limitation of the contract is not met by the owner. The owner shall forfeit any and all claims to

**City of Bellingham**  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360) 676-6903

moneys paid to the city toward the contract, and the city shall have the right to remove, without notice, all memorialization and any and all remains interred and reenter the same in such place as the Director of Parks and Recreation shall direct.

- C. Interment rights are conditioned upon full payment and compliance with all other contract terms, conditions, and limitations.

### Section 3.

Bellingham Municipal Code Section 8.08.060 be and hereby is amended to read as follows:

#### **8.08.060 - Cemetery Improvement Reserve**

- A. A special cemetery improvement reserve within the Cemetery fund is established with moneys received from the amount set forth in section 8.08.040B grave sales and from any property devised, bequeathed or given in trust to the cemetery.
- B. Interest or dividends from investments of or deposits in the cemetery improvement reserve may be used for care and operation of the cemetery or for capital improvements or embellishments within the cemetery.
- C. The principal from such reserve may be used, as authorized by the City Council, for improvements to the cemetery.

### Section 4.

Bellingham Municipal code Section 8.08.100 be and hereby is amended to read as follows:

#### **8.08.100 - Prearrangement Reserve**

- A. There is hereby established a prearrangement trust reserve for the benefit of beneficiaries of prearrangement contracts (as defined in RCW Chapter 68.46, as amended) entered into pursuant to section 8.08.050A(2), above.
- B. Payments for prearrangement sales shall be deposited into the reserve.

City of Bellingham  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360) 676-6903

**Section 5.**

Bellingham Municipal Code Section 8.08.110 be and hereby is amended to read as follows:

**8.08.110 - Allocation To Funds**

- A. Proceeds of at-need sales contracts shall be deposited in the cemetery fund upon receipt by the city.

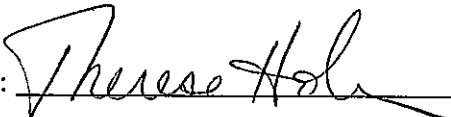
PASSED by the Council this 10TH day of DECEMBER,

  
\_\_\_\_\_  
Council President


APPROVED by me this 19th day of December,

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_

Office of the City Attorney

**City of Bellingham**  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360) 676-6903