

ORDINANCE NO. 2006-11-109

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 8.08 AT SECTIONS 8.08.030, 8.08.040, 8.08.050, AND 8.08.070.

WHEREAS, the need has arisen to amend designated sections within Chapter 8.08 of the Bellingham Municipal Code entitled "Cemetery Operation" in order to reflect the current state of the industry and current operations practice and rates at Bayview Cemetery; and

WHEREAS, the public and the City of Bellingham benefit by having Bayview Cemetery operated in accordance with the most current practices and procedures.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES ORDAIN AS FOLLOWS:

Section 1: Chapter 8.08, sections 030, 040, 050 and 070 of the Bellingham Municipal Code are hereby amended as shown:

8.08.030 – Endowed Care Graves

An Endowed Care Grave is any grave within Bayview Cemetery used for cemetery purposes or designated for endowed care.

(Ord. 9412 (part), 1985.)

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 a percentage of sales as approved by City Council in the above mentioned resolution, and such amount shall be deposited in the cemetery endowed care reserve.

(Ord. 2001-12-100 §1; Ord. 9898 §2, 1989; Ord. 9412 (part), 1985.)

8.08.050 - Method Of Payment

A. All sales shall be made for cash. There shall be two types of sales contracts:

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903

1. At-need sales for graves, services, memorials and materials. Graves are, by default, considered "at-need" since they become an immediate asset to the purchaser's estate.

2. 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 must be approved by the Director of Parks and Recreation.

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 must 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.

C. 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 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 re-inter the same in such place as the director of Parks and Recreation shall direct.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903

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

(Ord. 2001-12-100 §2; Ord. 9898 §3, 1989; Ord. 9412 (part), 1985.).

8.08.070 - Plant Materials

A. Trees, shrubs, flowers or any other plant material are not allowed to be planted within the cemetery property unless approved by the Director of Parks and Recreation, or other designee, within designated areas.

B. Artificial plants may not be used to decorate grave sites between March 1st and November 1st. All flowers, real or artificial, must be placed in marker vases or vases placed on the marker.

C. Glass ornaments or vases are not allowed on gravesites due to safety issues.

D. Plants, either artificial or natural, may be removed from the cemetery when, in the discretion of the Director of Parks and Recreation, or other designee, they have become unsightly, are diseased, or otherwise do not conform to cemetery standards.

(Ord. 9898 §5, 1989; Ord. 9412 (part), 1985.)

Section 2. Unaffected Sections: All section of Chapter 8.08 of the Bellingham Municipal Code not amended hereby shall remain in full force and effect in their present form.

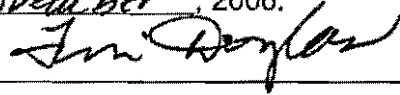
Section 3. Effective date: This ordinance shall be effective fifteen (15) days after passage and publication of the ordinance or a summary thereof.

PASSED by the Council this 13th day of November, 2006.



Council President

APPROVED by me this 20th day of November, 2006.



Mayor

ATTEST: 
FINANCE DIRECTOR

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903

APPROVED AS TO FORM:



Office of the City Attorney

Published: November 17, 2006

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903