

Title 11 Cemeteries

TITLE 11 CEMETERIES

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11.02.010 Definitions

As used in this chapter, the following terms have the meanings ascribed to them in this section unless context indicates otherwise.

- A. “Burial” means interment or inurnment of human remains.
- B. “Business Hours” Monday through Friday, 8:00 a.m. to 4:30 p.m.
- C. “Casket” means a long, narrow box in which human remains are buried.
- D. “Cemetery” means a place that is used or intended to be used for interment, and includes a graveyard, or any other area containing one or more graves.
- E. “Cemetery Director” means the person responsible for care and upkeep of the cemetery and opening and closing of grave spaces, cremation grave spaces and Columbarium Niches.
- F. “Cemetery element” means grave spaces, cremation grave spaces, Columbariums, or other items associated with the cemetery, including fences, roads, curbs, walls, paths, gates, benches, lighting and landscaping.
- G. “Cemetery purpose” means a purpose necessary or incidental to establishing, maintaining, managing, operating, improving, or conducting a cemetery, interring remains, or caring for, preserving, and embellishing cemetery property.
- H. “Columbarium” means a durable, fireproof structure, which contains niches and is used or intended to be used to contain cremated human remains.
- I. “Columbarium Niche” means a space in a columbarium or receptacle used or intended to be used for the placement of cremated human remains in an urn or other container.
- J. “Cremated human remains” means bone fragments and ash remaining after the cremation process.
- K. “Cremation” means the irreversible process of reducing human remains to bone fragments and ash through extreme heat and evaporation.
- L. “Decorum” means behavior in keeping with good taste and propriety.

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- M. “Deed” means a legal document constituting evidence of a right to ownership of a grave space or spaces with perpetual care. Upon enactment of Ordinance #459, deeds will no longer be issued. (See “Right to Inter Certificate”)
- N. “Grave” means a space of ground that contains interred human remains and is used or intended to be used for interment of human remains in the ground. One standard grave space measures three (3) feet by eight (8) feet. One cremation grave space measures three (3) feet by four (4) feet. One infant grave space measures two and one half (2 ½) feet by five (5) feet.
- O. “Human remains” means the body of a decedent.
- P. “Infant” means a child under the age of three (3) years old or under three (3) feet in length.
- Q. “Interment” means the permanent disposition of human remains by burial in a casket.
- R. “Interment right” means the right to inter the human remains of one decedent in a plot.
- S. “Inurnment” means the permanent disposition of cremated human remains by placement in the ground with or without a burial container or by placement in a Columbarium Niche.
- T. “Liner” means an outer container that covers a casket in a grave to prevent the grave from settling.
- U. “Opening and Closing” means the process of digging and preparing a grave space or cremation grave space for burial.
- V. “Owner” means a person:
1. in whose name a plot, grave space, cremation grave space or Columbarium Niche is recorded as the owner of the exclusive right of burial; or
 2. who holds a certificate of ownership or other instrument of conveyance for the exclusive right of burial in a particular plot in the cemetery.
- W. “Perpetual care” means the permanent maintenance, repair, and care of the cemetery elements.
- X. “Plot” means a grave space in the cemetery owned by an individual or organization that is used or intended to be used for interment or inurnment, including a grave space or adjoining grave spaces.
- Y. “Pre-need” means the pre-payment of opening and closing interment or inurnment fees.
- Z. “Remains” means human remains or cremated human remains.
- AA. “Right to Inter” means ownership of the right to bury human remains in a particular space in Mountain View Cemetery.
- BB. “Right to Inter Certificate” means a legal document issued by the City of Dillon giving ownership for the right to inter human remains in a particular grave space, cremation grave space or Columbarium Niche.

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- CC. “Vault” means an outer container that covers a casket in a grave to prevent the grave from settling. A vault is usually larger and heavier than a liner and may necessitate a larger grave opening.

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11.02.020 Established

- A. A cemetery known as Mountain View Cemetery was established by a private corporation in the year 1888. The Mountain View Cemetery Corporation acquired property and administered the cemetery pursuant to its corporate purposes until November 6, 1920 at which time the property was conveyed to the City of Dillon who assumed duties of care and maintenance and acquired additional property for Mountain View Cemetery. Since November 6, 1920, City of Dillon has administered and operated the cemetery in its capacity as a municipal corporation.
- B. On November 6, 1962, the electorate of Beaverhead County voted to create a Cemetery District for the entire county including Mountain View Cemetery and other cemeteries throughout the county. A Board of Trustees was created to disburse cemetery mill levies to the various cemeteries annually dependent upon the number of burials in each annually.
- C. The City of Dillon exercises exclusive administrative and operational control of Mountain View Cemetery. Ownership and control of Mountain View Cemetery is assumed by the City of Dillon, and the same must be governed, managed and controlled as provided by this chapter.
- D. A Perpetual Care and Trust Fund under control of the City of Dillon was established in 1963. Its sole purpose is for the permanent care and maintenance of Mountain View Cemetery elements. Such fund may not be invaded or utilized for other purposes and the corpus must remain intact and inviolate.

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11.02.030 Location.

Mountain View Cemetery is composed of 39.98 acres of land owned by the City of Dillon. It is located at 934 Sweetwater Road, Dillon, Montana in Section 20, Township 7 South, Range 8 West, Cemetery Tract in the East ½ of the East ½ of the Northeast ¼ excluding 0.5 acres of ground under ownership of Beaverhead Post 20 American Legion. Land owned, controlled, and used by the City of Dillon is for burial of human dead, together with such other tracts of land as the City of Dillon may hereafter acquire or designate for such purposes.

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11.02.040 - Hours and Days of Operation

(See Section 11.06.010 Interment and Inurnment Arrangements)

- A. Days of Operation. Business days for Mountain View Cemetery are Monday through Friday. Interments are not permitted on Sunday, New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Friday after Thanksgiving or Christmas Day. Exceptions may be granted under extenuating circumstances. Additional fees may apply as set by resolution of the City Council after public hearing.

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- B. Hours of Operation. Mountain View Cemetery conducts burial services between the hours of eight-thirty (8:30) a.m. to three-thirty (3:30) p.m. The time for burial services must be arranged to allow the grave to be properly filled and all surplus ground removed before four-thirty (4:30) p.m. of the same day.
1. Summer hours begin on the date of the start of daylight saving time in the spring of the year.
 2. Winter hours begin on the date of the end of daylight saving time in the fall of the year.
- C. Overtime. Funeral homes or person(s) making burial arrangements may be charged overtime fees as follows:
1. Weekdays. Overtime fees may be charged when the Cemetery Director or designated City representative is required to complete closing duties of graves after four-thirty (4:30) p.m. Fees are equal to Saturday morning opening and closing fees as set resolution of the City Council after public hearing.
 2. Saturdays.
 - a. Morning. When the Cemetery Director or designated City representative is able to complete closing of the grave prior to Noon (12:00 p.m.), overtime fees are charged as set by resolution City Council after public hearing.
 - b. Afternoon. When the Cemetery Director or designated City representative is required to complete closing of the grave after Noon (12:00 p.m.), overtime fees may be adjusted as set by resolution of the City Council after public hearing.
 3. Martin Luther King Jr. Day, President's Day, Columbus Day, Veteran's Day or any day in which a General Election is held throughout the State of Montana:
 - a. Morning. When the Cemetery Director or designated City representative is able to complete closing of the grave prior to noon (12:00 p.m.), overtime fees are charged as set by resolution City Council after public hearing.
 - b. Afternoon. When the Cemetery Director or designated City representative is required to complete closing of the grave after Noon (12:00 p.m.), overtime fees may be adjusted as set by resolution of the City Council after public hearing.

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11.02.050 Fees

- A. Fees. Interment fees, disinterment fees, right to inter fees, and all other fees for Mountain View Cemetery are set by resolution of the City Council after public hearing. A list of fees is available at the City of Dillon offices.
- B. Payment. Procedures for receipting and handling of funds must be followed as prescribed by the City of Dillon Finance Committee

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- C. Pre-need. Pre-payment of interment fees may be accepted as provided in this ordinance and as authorized by the City of Dillon Finance Committee. Pre-need may be reimbursed at full purchase price.
- D. Donation. The City of Dillon may donate Cemetery fees associated with interment of infants in the Infant Section only. Donated fees may include Opening and Closing fees and lot fees. Donated fees are subject to forfeiture if burials occur after regular business hours. Fees and requirements may be assessed per this Municipal Code and fee schedule set by resolution of the City Council after public hearing.

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11.02.060 Cemetery Director

- A. The Cemetery Director is responsible for general care, maintenance, and improvement of cemetery grounds, opening and closing graves, Columbarium Niches and installation of memorial wall plaques.
- B. The Cemetery Director is authorized to enforce regulations as set forth in this Municipal Code and may refuse admission onto the grounds and may expel those who violate provisions of this Code or cemetery ground rules established by the Cemetery Committee and approved by the Dillon City Council.
- C. When the Cemetery Director is absent for an extended period of time, the Mayor or Mayor's designee may appoint a City representative who has the same responsibilities and enforcement authority as the Cemetery Director.

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11.02.070 Records

- A. Register. A register of all interments, inurnments, disinterments, or memorials conducted in Mountain View Cemetery; including name, age, birthplace, date of death, date of burial, and location must be maintained. This register must be kept at the City of Dillon Offices and open to public inspection during normal business hours.
- B. Sales. A listing of all sales and documents of title issued by the City of Dillon must be maintained.
- C. Additional Information. The following additional information relative to interments and inurnments may be included in the cemetery register as is available:
 - 1. Personal Data. Age, sex, date of birth, date of death, date of burial, contact information for next of kin or personal representative of the estate, veteran status.
 - 2. Pre-needs. A current plat map system must be maintained depicting all interment locations, names of individuals interred in such locations, and names and locations of pre-paid grave spaces, cremation grave spaces, or Columbarium Niches pending their use.
 - 3. Fees. Burial records are to contain an itemization of all related fees, payer, type of payment tendered, and dates paid.
 - 4. Casket or Urn. Size and material (ceramic, wood, metal, other) of burial container. Liner or vault use and size.

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- 5. Location of urn or ashes must be recorded as top left, top right, top middle, middle left, middle right, middle middle, bottom left, bottom right, or bottom middle of grave.
- D. Books, papers and cemetery records of Mountain View Cemetery are public record and open to the public during normal business hours as allowed by City Ordinance and State Law.

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Chapter 11.04 Cemetery Grounds and Elements

Sections

- 11.04.010 Rules**
- 11.04.020 Grounds Conditions**
- 11.04.030 Sections**
- 11.04.040 Placement**
- 11.04.050 Monuments**

11.04.010 Rules

- A. Decorum: The grounds of Mountain View Cemetery are sacredly devoted to burial of the human dead. Strict observance of decorum which should characterize such a place is required. Mountain View Cemetery graves, Veteran graves, Columbarium Niches, cremation graves, or other named Mountain View Cemetery sections are held as burial places for the human dead and for no other purpose. People entering the cemetery are expected to conduct themselves with proper decorum, e.g. no disturbing the peace, no loud music, no fireworks, no littering, no criminal mischief.
- B. Vehicular Travel in Cemetery: Vehicles operated within Cemetery grounds must not exceed a maximum speed of ten (10) miles per hour. Caution should be observed as roads may be rough. Vehicles are restricted to established roads except for City of Dillon personnel and vehicles under their supervision.
- C. Domestic animals kept as pets are allowed within boundaries of the City Cemetery under restraint on a leash not to exceed six (6) feet in length. Owners who permit pets to desecrate graves, headstones or other cemetery elements are subject to fines not to exceed \$250.00 per instance.
- D. Alcoholic beverages, smoking and illegal drugs are not permitted on Cemetery grounds.
- E. Firearms are not permitted on cemetery grounds except those authorized to conduct military funerals, City personnel, and public safety officials.
- F. Touching objects for which an individual does not have ownership and plucking flowers, shrubs, plants, or causing damage to Cemetery elements is prohibited.
- G. The City of Dillon reserves the right to enter in or upon graves, cremation grave spaces, Veteran graves, Columbarium Niches, or other named Mountain View Cemetery sections and make such improvements as deemed necessary for the continual care and maintenance of cemetery elements.

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- H. Owners of right to inter certificates or deeds must not change the grade of graves or cremation grave spaces nor interfere with the general Cemetery improvement plan.
- I. Trees, Shrubs, and Plantings.
 - 1. Planting trees, shrubs, flowers or other vegetation is not allowed within the boundaries of Mountain View Cemetery without approval from the Cemetery Director or designated City representative and must be planted under supervision of or by the Cemetery Director or designated City representative.
 - 2. The Cemetery Director or designated City representative reserves the right to enter upon graves, cremation grave spaces, Veteran graves, or other named Cemetery sections and trim, cut down or remove trees, shrubs, or plantings that encroach upon adjacent graves and are deemed by the Cemetery Director or designated City representative to be detrimental to Cemetery grounds, unsightly or inconvenient to the public or to adjacent lots or roadways.
 - 3. The Cemetery Director or designated City representative is not responsible for replacing vandalized, damaged, or removed trees, shrubs, and plantings.
- J. The following schedules and rules are strictly enforced:
 - 1. Year Round.
 - a. Cemetery grounds are cleaned on a regular basis.
 - b. Prohibited items may be removed by the Cemetery Director or designated City representative and held for thirty (30) days. The City of Dillon, Cemetery Director and/or designated City representative are not responsible for lost, stolen or broken items left on Cemetery grounds.

Following is a partial list of items not permitted on Cemetery grounds: glass, ceramic, rocks, pottery, trinkets, knick-knacks, and statues.
Additional exclusions may be incorporated within the internal rules and policies of the Mountain View Cemetery.
 - c. Items and flowers that interfere with opening and closing preparations may be disposed of by Cemetery staff.
 - d. Items and flowers that become faded or unsightly may be disposed of by Cemetery staff.
 - e. Items and flowers lying directly on or pushed onto Cemetery ground may be disposed of by Cemetery staff.
 - f. Flowers and decorations are allowed in vases as follows:
 - i. Open Sections. Permanently affixed at the base of the headstone or in a foundation with a five (5) inch concrete or granite wash.
 - ii. Permanent flower holders, shepherds hooks, ornamental stakes and solar lights are allowed on the side of the stones and must be set with a concrete or granite wash at least five (5) inches in width around sides and flush to the ground to permit mowing.

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Decoration of flush stones is not allowed unless the flush stone is at the head of the grave.

- iii. Cremation Row. Decorations are allowed during Memorial Day Weekend only.
 2. Memorial Day Holiday. Allowable floral or decorative items may be placed on Cemetery grounds five (5) days prior to Memorial Day through Sunday following Memorial Day.
 3. Summer. Items on Cemetery grounds must be completely removed beginning the Monday following Memorial Day through Labor Day except for flowers and decorations on shepherd's hooks, and vases.
 4. Fall. Items remaining on Cemetery grounds must be completely removed beginning October 1st through one (1) day prior to Thanksgiving.
 5. Winter. Allowable floral or decorative items may be placed on Cemetery grounds beginning Thanksgiving Day through May 1st.
 6. Spring. Beginning May 1st through six (6) days prior to Memorial Day, items on Cemetery grounds must be completely removed except those on shepherd's hooks and decorations in approved vases.
- B. Columbarium Plaza - Columbarium Niches and Memorial Walls. Bud vases or items taped, glued, or stuck to Columbarium Niches are not allowed.
- C. The City of Dillon is not responsible for vandalized, damaged, or stolen flowers or plantings.

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11.04.20 Ground Conditions

Ground conditions include frozen ground, rocky soil, trees, monuments or other unforeseen obstacles to opening and closing a grave space.

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11.04.030 Sections

The Cemetery Committee and Cemetery Director or designated City representative is authorized to designate sections of the cemetery grounds for specific purposes. Mountain View Cemetery has the following designated sections:

- A. Open Section. This section consists of developed land ready for interment. Upright or flush monuments allowed.
- B. Veteran Section. This section is restricted to Veterans and their spouses. One upright military stone allowed per grave space. Spouse stones must be flush to the ground.
- C. Columbarium Plaza. This plaza allows cremated human remains to be placed in Columbarium Niches in burial containers that measure not more than eleven (11) inches high by eleven (11) inches wide by eleven (11) inches deep. Two (2) interments per niche allowed.

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- D. Infant/Baby Section. One (1) baby section is established. One (1) infant per grave allowed without exception.
- E. Fraternal and Religious Sections. Organizations may purchase sections available for sale in Mountain View Cemetery and designate graves for use by members or affiliates. Upright or flush monuments are allowed according to restrictions defined in this ordinance (See Section 11.04.050 – Monuments). Organizations that own property must submit notarized letters of grave assignments to the City of Dillon depicting names and graves designated for individual interments. Regulations regarding Mountain View Cemetery apply to these sections.
- F. Cremation Row. This section allows up to two (2) cremations per space. Stones must be flush to the ground, without exception.
- G. Future Sections. The Cemetery Committee and Cemetery Director or designated City representative may authorize the addition of new sections as funding becomes available and public interest directs.

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11.04.040 Placement

- A. Interments, inurnments, and re-interments must be completed by the Cemetery Director or designated City representative.
- B. Double casket burials are not allowed.
- C. Two (2) decedents may be placed in the same grave under the following conditions:
 - 1. Parent and infant child together in one casket.
 - 2. Maximum number of burials per grave space is: One (1) earth burial and one (1) cremated human remains or three (3) cremated human remains. *Exception: cremation row: Two (2) cremated human remains per cremation grave space.
- D. Infants. One (1) interment allowed per donated grave in the Infant Section. The City of Dillon may donate Cemetery fees associated with interment of infants. (See Section 11.02.050.E – Donation)
- E. Multiple interments: Upon enactment of this ordinance, if cremated human remains are interred first, they must be placed under the headstone. Cremated human remains placed prior to enactment of this ordinance that are not under the headstone may be subject to disinterment and re-interment after a casket has been placed. Fees associated with disinterment, interment, and re-interment as set by resolution of the City Council may apply.
- F. Cremated human remains interred in a grave space must be buried at a depth to allow a minimum of one (1) foot of earth to be placed above them whether interment is in a burial container or without a burial container.
- G. Cremated human remains may or may not be placed in a burial container and interred a grave space or cremation grave space. Burial containers are required for placement in Columbarium Niches.

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- H. Caskets must be placed in a liner or vault to prevent settling of graves and buried not less than five (5) feet deep in a grave as measured at the bottom of the grave from the surface elevation.
- I. Organizations presenting vaults for interment are fully responsible for damage to turf, monuments, foundations, irrigation system, vegetation and other cemetery elements.
- J. Storage. Caskets containing human remains must not be stored on City of Dillon premises. If services are conducted prior to grave preparation, the funeral director or responsible party must remove the casket from cemetery grounds until grave preparation is complete. Upon completion of grave preparation the funeral director or responsible party may return the casket to the cemetery to finalize the burial. Costs associated with transportation and storage are the responsibility of the funeral home or party requesting interment.

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11.04.050 Monuments

The Cemetery Director or designated City representative is not responsible or liable for monuments erected on cemetery grounds. Monuments are the property of the legal holders of deeds or right to inter certificates or legal heirs of each interment location.

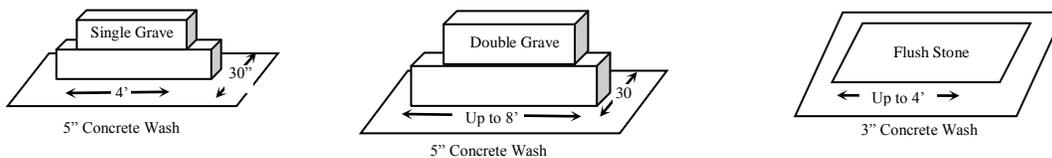
- A. Installation. Foundations and monuments may be installed by the following:
 - 1. City of Dillon. The City of Dillon requires persons or businesses preparing and/or pouring foundations for monuments to have authorization from the Cemetery Director or designated City representative prior to work commencing.
 - 2. Monument Companies/Funeral Homes. Work must be inspected, approved, or rejected for regulation compliance by the Cemetery Director or designated City representative. It is the responsibility of companies installing foundations and monuments to adhere to regulations in this ordinance. Installation must be under the close inspection of the Cemetery Director or designated City representative and is to be completed promptly. Any damages caused during the installation must be repaired to the satisfaction of the Cemetery Director or designated City representative.
 - 3. Installation times. Work associated with installing and setting monuments must be started and completed during regular cemetery business hours Monday through Friday, 8:00 a.m. to 4:30 p.m. The Cemetery Director or designated City representative may authorize installation to be completed after regular business hours. (See Section 11.02.040 – Hours and Days of Operation)
 - 4. Monument Installation Process: Companies must follow the installation process established for Mountain View Cemetery:
 - a. Monument designs must be submitted for review by the Cemetery Director or designated City representative a minimum of five (5) business days before installation. (See Section 11.02.040 – Hours and Days of Operation). Any person aggrieved by a decision of the Cemetery Director or designated City representative may appeal to the Cemetery Committee

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who must review all applicable information and issue a decision on the appeal.

- b. Two (2) business days minimum notification is required prior to installation. The Cemetery Director or designated City representative must stake the monument placement for the requested grave spaces.
- c. Installers must notify the Cemetery Director or designated City representative when installation is complete and ready for compliance inspection and before leaving the cemetery grounds on the day installation is complete.
- d. Installations that do not meet rules and regulations noted in this ordinance may be rejected and must be corrected by installer. The installer is required to coordinate corrective action with the Cemetery Director or designated City representative and corrections must be reviewed for compliance.

- B. Sketch. The following is a guideline for size and placement of monuments upon grave spaces. Irregular monuments must have a sketch presented and approved by the Cemetery Director and the Cemetery Committee prior to installation.



- C. Restrictions. The Cemetery Director or designated City representative and/or the Cemetery Committee has authorization to review, approve, or reject monuments placed or presented for placement on cemetery grounds that do not meet the integrity of Mountain View Cemetery.

1. Monuments, effigies, inscriptions or structures determined to be offensive, improper, or injurious to surrounding grounds must be corrected or removed.
2. The Cemetery Director or designated City representative has the right to review monument designs, composition, and size in accordance with grave location to determine acceptability prior to installation. Any person aggrieved by a decision of the Cemetery Director or designated City representative may appeal to the Cemetery Committee who must review all applicable information and issue a decision on the appeal.
3. Sections of Mountain View Cemetery grounds may be designated and reserved by the Cemetery Committee for the designation of specific types of monuments.
4. Monuments must be centered on grave spaces. Monuments must be located on graves of decedents as named on the monument with the exception of memorials.
5. Memorial monuments are allowed on graves; however:

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- a. A memorial monument constitutes usage of graves following right to inter documentation. (See Section 11.08.005 – Right to Inter Certificate)
 - b. Memorials must be registered with the City of Dillon office.
6. A limit of three (3) monuments are permitted per grave space. One monument is to be placed in the headspace of the grave and may be upright. When multiple interments are present, additional monuments must be flush to the ground and centered on grave spaces or directly aligned with the upright monument.
 7. Military plaques must be installed flush to the ground, in a foundation, and centered upon the grave. Military plaques may be affixed to the back of upright monuments.
 8. Monuments are required to be sealed with a monument stone setting compound. This includes setting monuments directly onto foundations or setting monuments onto hearths, which will be set onto foundations.
 9. Only granite monuments, natural stones or military plaques are allowed in Mountain View Cemetery.
 10. Foundations must be concrete or granite.
 11. Equipment and unused materials must be removed immediately upon completion of work
- D. Liability. Proof of current liability insurance is required. Contractors are liable for damage to Cemetery gravesites, property, shrubs, irrigation, flowers and plantings, trees, monuments, and unnecessary damage to the lawn caused when setting monuments or foundations.
- E. Stones are not permitted without foundations. Standard military issue for the Veteran section is one upright military stone per grave space.
- F. Veteran Section. One upright military stone permitted per Veteran grave space. Spouse monuments must be flush to the ground.

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Chapter 11.06 - Arrangements

Sections:

11.06.010 Interment and Inurnment Arrangements

11.06.020 Disinterment Arrangements

11.06.010 Interment and Inurnment Arrangements.

- A. The following documentation is required for interment or inurnment:
1. Deed or right to inter certificate noting location of grave space, cremation grave space or Columbarium Niche; or documentation showing interment right.
 2. Will/Estate. Legal documentation which states grave assignments to heirs and includes grave locations and written grave assignments.

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3. Alternate legal documentation verifying right of survivorship and entitlement may be submitted.
- B. Payment. Payment arrangements must be made before burial services are scheduled. (See Section 11.02.050 – Fees)
- C. Notification. Advance notification must be provided to prepare ground for opening and closing. Notification time may vary depending upon grave location, ground conditions, and weather. It is the responsibility of the funeral director or other designated representative in charge of burial arrangements to contact and verify the correct time for the interment. Notification hours must be strictly adhered to year-round. (See Section 11.02.040.B - Hours and Days of Operation)
1. Notification begins when the Cemetery Director or designated City representative receives the following information:
 - a. Grave location.
 - b. Interment type (Casket, Urn or Ashes).
 - c. Date and time requested for interment.
 - i. Summer hours: Interment/Inurnment or Ashes requires eight (8) to sixteen (16) regular cemetery business hours advance notice for preparation.
 - ii. Winter hours: Interment/Inurnment or ashes requires sixteen (16) to twenty-four (24) regular cemetery business hours advance notice for preparation.
 - iii. Observed holidays and weekends are non-business hours and are not included in notification timelines.
 2. Upon notification from the funeral director or family representative, the Cemetery Director or designated City representative must assess ground conditions for the requested grave location and the requested date and time for the interment. The Cemetery Director or designated City representative must then ensure ground preparation or alert the funeral director to issues regarding the grave which may prevent grave preparation by requested date and time. (See Section 11.04.020 Ground Conditions)
 3. The City of Dillon is not responsible for mistakes or errors in communication transmission including wireless, or reception of messages by telephone, email or faxes received from funeral homes, families, or monument businesses.
- D. Transit Permit. A transit permit issued by the state in which the death occurred is required before burial.
- E. Burial Order. A burial form stating burial date and time, location of grave and name of individual to be buried must be completed by the City of Dillon and provided to the Cemetery Director or designated City representative before opening a grave space, Columbarium Niche or cremation location.

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11.06.020 Disinterment Arrangements

- A. Permits for disinterment as required by the State of Montana must be obtained prior to disinterment. It is the responsibility of the involved mortuary or funeral home to contact all persons who may contest the disinterment prior to applying for a disinterment permit at the Beaverhead County Health Department.
- B. Required disinterment permits must be presented to the Cemetery Director or designated City representative prior to work commencing. In addition, the presence of the following is required during the disinterment:
 - 1. Cemetery Director or designated City representative.
 - 2. Coroner.
 - 3. Funeral Director.
 - 4. Other persons as required under the disinterment permit.
- C. Disinterment must be performed during the business week and during normal business hours at the convenience of the Cemetery Director or designated City representative. (See Section 11.02.030.B - Hours and Days of Operation)

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Chapter 11.08 Right to Inter Ownership of Grave Spaces, Cremation Locations and Columbarium Niches

Sections:

- 11.08.010 Right to Inter Certificate**
- 11.08.020 Conveyance of Assignment for Right to Inter**
- 11.08.030 Re-Sale - Re-Purchase Grave Assignments**
- 11.08.040 Unused Grave Locations**

11.08.010 Right to Inter Certificate

- A. Previous to passage of this ordinance, a deed giving ownership for purchased grave spaces was issued and recorded with the Beaverhead County Clerk and Recorder. Upon enactment of this ordinance, issuance of a deed is hereby terminated and a right to inter certificate is issued and recorded with the Beaverhead County Clerk and Recorder. A right to inter certificate gives the certificate holder or designee the right to be buried or designate who will be buried in each grave space, cremation grave space, or Columbarium Niche purchased. The City of Dillon retains ownership of the ground and Columbarium Niche.
- B. The City of Dillon honors cemetery deeds issued prior to enactment of this ordinance.

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11.08.020 Conveyance of Assignment for Right to Inter

- A. Purchase. Upon payment in full for grave spaces, cremation grave spaces or Columbarium Niches, the City of Dillon prepares a right to inter certificate. Names on right to inter certificates signify ownership for right of interment in grave spaces,

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cremation grave spaces or Columbarium Niches. Right to inter certificates are attested and signed by the Mayor and the City Clerk for the City of Dillon. Right to inter certificates are filed with the Beaverhead County Clerk and Recorder. Original right to inter certificates are given to certificate holders.

- B. Designee Conveyance Assignment Change.
1. Death of Legal Owner. Mountain View Cemetery grave spaces, cremation grave spaces, or Columbarium Niches not used by owners upon death of owners may be assigned to heirs at law or as provided in this ordinance.
 2. Conveyance of Assignment. Owners, personal representatives, or authorized heirs of Mountain View Cemetery grave spaces, cremation grave spaces or Columbarium Niches may re-assign ownership in writing. It is the responsibility of new owners to file re-assignment documents with the Beaverhead County Clerk and Recorder and notify the City of Dillon of same.
 3. Will/estate: Heirs must be identified recipients called out in wills or estates by legal documentation which state grave space assignments to heirs including the following legal documentation:
 - a. Written grave space assignment.
 - b. Original deed, right to inter document and/or conveyance of assignment or other legal document showing grave space, cremation grave space or Columbarium Niche assignments for heirs in a will or estate.
 - c. Grave location.
 4. Alternate legal documentation verifying right of survivorship and entitlement may be submitted.

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11.08.030 Re-Sale - Re-Purchase Grave Assignments

Unused grave spaces, cremation grave spaces, or Columbarium Niches that owners wish to sell may be purchased by the City of Dillon for the price paid to the City of Dillon at the time of the original transaction. In the absence of documentation of the original transaction fee, grave spaces, cremation grave spaces, or Columbarium Niches may be purchased by the City of Dillon for a minimum of half the current fee set by resolution of the City Council after public hearing. (See Section 11.020.050 – Fees)

The following information evidencing the legal right to sell grave spaces, cremation grave spaces, or Columbarium Niches must be presented before commencing the sale:

1. Original Ownership Documents. The original right to inter certificate, deed or title evidencing ownership of said grave spaces, cremation grave spaces, or Columbarium Niche issued at the time of sale.
2. Will/estate. Heirs must be identified recipients called out in a will or estate by legal documents which states conveyance of ownership to heirs.
3. Alternate legal documentation verifying right of survivorship and entitlement may be submitted.

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11.08.040 Unused Grave Locations, Cremation Grave Spaces or Columbarium Niches

Ownership of grave spaces, cremation grave spaces, or Columbarium Niches purchased after enactment of this ordinance may revert to the City of Dillon if the spaces remain unused during a period of eighty (80) years after:

1. The last burial date that is part of a group purchase of lots; or
2. The last date of assignment of ownership for a grave space, cremation grave space, or Columbarium Niche.

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Chapter 11.10 Cemetery Funds

Sections:

11.10.010 Cemetery Funding/Funds.

11.10.020 Cemetery Fund – Investment Authority.

11.10.010 Cemetery Funding/Funds.

All moneys received from sales and services in Mountain View Cemetery, and all moneys received from all other sources must be paid over to the City of Dillon to be placed into appropriate Cemetery Funds.

It is in the best interest of the City of Dillon to initiate a long-range financial care plan for Mountain View Cemetery. Therefore, the Cemetery Committee, the City of Dillon Council, and the City Administration have committed to the ongoing preservation of Mountain View Cemetery by designating assigned revenues will be placed into funds designated for the long-term care of Mountain View Cemetery unless otherwise determined by City Council. Revenue generated from sales and services at Mountain View Cemetery must be deposited as follows:

- A. Cemetery Operating Fund. Such fund must be for the care, maintenance and improvement of Mountain View Cemetery and cemetery property as required by this ordinance and Montana Law
- B. Permanent Care Trust Fund. Beginning in FY17, 16.67% of all revenue generated from sale of lots at Mountain View Cemetery, must be deposited into the Permanent Care Trust Fund with the remaining 83.33% to be deposited into the Cemetery Operating Fund.
- C. The Cemetery Reserve Fund is intended to be used for funding Mountain View Cemetery equipment following the City of Dillon equipment replacement schedule and for Mountain View Cemetery facilities and maintenance improvements and long-term care.
- D. Columbarium and Long-Term Care Trust Fund. Revenue generated from Columbarium Niche sales and services and pre-paid burial fees must be deposited into the Columbarium and Long-Term Care Trust Fund. Columbarium Reserve monies are intended to be used for funding inscriptions and nameplates, purchasing and developing future columbarium sites. Pre-paid burial fees are for individuals who wish to prepay costs associated with burials in advance of death.

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- E. The City of Dillon Administration has agreed to allow Mountain View Cemetery to keep intact (not use for General Revenue) use of the existing Cemetery Funds: Cemetery Reserve Fund, Columbarium and Long-Term Trust Fund. Such funds must be for equipment and improvement of the Mountain View Cemetery, facilities and cemetery property as required by Dillon Municipal Code and Montana Law.
- F. It is in the best interest of the City of Dillon to continue this long-range financial care plan for Mountain View Cemetery. This long term financial plan concept allows Mountain View Cemetery to reduce (but not eliminate) the total general revenue that Mountain View Cemetery requires to operate. Therefore, the Cemetery Committee, City of Dillon Council, and City Administration have committed to the ongoing preservation of the cemetery by designating these revenues be placed into reserve funds designated for the long-term care of Mountain View Cemetery.

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11.10.020 Cemetery Fund - Investment Authority.

The Cemetery Committee has full right and privilege, with approval of the City Council to invest money held in Trust Funds.

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