



HICKERSON MEMORIAL CEMETERY Policies & Guidelines

Adopted June 14, 2021

Resolution 21-041





TABLE OF CONTENTS

Table of Contents	1
Definitions.....	3
Introduction.....	5
Reservation of Interment Spaces.....	6
Interments & Disinterments.....	7
Records	9
Maintenance & Landscape Regulations	10
Decoration of Cemetery Sites	11
Memorial Markers.....	12
Cemetery Prohibitions & Violations.....	14





DEFINITIONS

Administrator/Cemetery Office – The person and office who administers the cemetery records and cemetery policy.

Block – An area consisting of one or more cemetery plots.

Burial Transit Permit – The Burial Transit Permit is issued by the Alaska Department of Vital Statistics and must accompany the dead body, fetus, or cremains until its final disposition. The permit must be endorsed and retained permanently in the City's files.

Casket/Coffin – A funerary box that holds the remains of a deceased person.

Cemetery Plot Reservation Application – A valid City permit allowing the reservation of an interment lot(s) of a deceased person in the Hickerson Memorial Cemetery.

Cemetery Plot/Site – The reference to a cremains and/or interment plot.

Contractor – Service provider/individual that coordinates all cemetery arrangements with the Maintenance Office, Interment Site Workers, and provides the necessary permits to the Cemetery Office. This service provider may be a funeral home, licensed by the State of Alaska, or the applicant themselves if they opted to not utilize the services of a funeral home.

Cremains – The cremated remains of a deceased person.

Cremains Plot/Site – A specific location in the cemetery designated as being used or to be used for the interment of one human's cremains. Cremains plots are two feet by two feet.

Deed/Deed Holder – A reference to a person holding a valid deed for an interment site for future interment, with all fees paid in advance. Cemetery policy was amended in 2015 by City Council to no longer sell the property rights for interment plots by issuing a deed. This term is solely for reference to existing Deed Holders where the policy herein is still applicable.

Disinterment – The legal removal of a deceased person's remains from an interment site. A permit by the State of Alaska Department of Vital Statistics is required.

Hickerson Memorial Cemetery – A cemetery for interment of human remains.

Household/Primary Household/Family – A group of two people or more (one of whom is the householder) related by birth, marriage, or adoption, and residing together.

Interment – The burial of the remains of a deceased person and/or the placing of an urn in a cremains plot.

Interment Permit Application – A valid City permit, completed by the responsible party for the decedent, that allows the interment of a deceased person in the Hickerson Memorial Cemetery or reservation of an interment lot(s) in the cemetery.

Interment Permit Holder/Applicant – The responsible party for the decedent that holds a valid permit allowing the interment of a deceased person in the Hickerson Memorial Cemetery.

Interment Plot/Site (standard plot) – A specific location in the cemetery designated as being used or to be used for the interment of human remains. Interment plots are five feet by ten feet.

Interment Site Worker – Hired service professionals/workers by the Contractor to assist with the opening/closing of sites, plot preparation, interments, disinterment, and memorial marker placement and removals.

Lot Marker – A marker used by cemetery personnel to locate corners of a lot.

Maintenance Office – The office for maintenance of the cemetery grounds.

Memorial/Memorial Marker – A permanent marker or headstone placed on an interment plot to identify or in memory of the interred.

Monument – A family monument that protrudes 48 inches or more above the lawn surface that requires a foundation and is placed on one or more interment plots to identify or in memory of the interred.

Reservation Holder/Applicant – Any person holding a valid reservation for an interment site for future interment, with all fees paid in advance.

Urn/Cremains Container – A container that holds the cremated remains of a deceased person.



INTRODUCTION

Cemetery Management

The Hickerson Memorial Cemetery is owned by the City of Homer. Homer City Code (HCC) Chapter 19.04 Cemetery establishes regulation authority and rules for the Cemetery. Per HCC, the City Manager may, subject to the approval of City Council, promulgate regulations pertaining to the use of the Cemetery to maintain and administer its operation in order to protect public property and to provide for the safety, health and welfare of the public, including, but not limited to regulations:

- a. Concerning general administration of and supervision including the right to enlarge, reduce, replat, or change the boundaries or grading of any part thereof;
- b. Regulating interment space and reservation of burial lots;
- c. Regulating the type and kind of grave markings;
- d. Dealing with the general appearance, landscaping, care, construction, repairs, hauling or grave preparation.

Roles & Responsibilities

- A. The City Clerk's Office acts as the Administrator/Cemetery Office, as designated by the City Manager. The City Clerk's Office shall assign and sell plots upon request and shall preserve the interment records for the City. Hickerson Memorial Cemetery maps are available from the City Clerk's Office.
- B. The Parks Division, a subset of Public Works, acts as the Maintenance Office as designated by the City Manager and maintains the cemetery grounds and coordinates cemetery arrangements with the Contractor and/or Interment Site Workers.
- C. The Cemetery Plot Reservation Applicant (also known as a Deed or Reservation Holder) is responsible for completing the appropriate applications with the Cemetery Office and ensuring all reservation fees are paid in advance.
- D. The Interment Permit Applicant (also known as a Permit Holder) is responsible for completing the appropriate interment applications with the Cemetery Office and ensuring all interment fees and memorial deposits are paid in advance. If the applicant has opted to not utilize the services of a funeral home (Contractor), the applicant will then assume the responsibilities of the Contractor and must coordinate all cemetery arrangements with the Maintenance Office.
- E. The funeral service provider acts as the Contractor (and in some cases is also the Interment Permit Applicant) and coordinates all cemetery arrangements with the Maintenance Office, Interment Site Workers, and provides the necessary permits to the Cemetery Office.

Administrator/Cemetery Office:

City Clerk's Office
491 E. Pioneer Avenue
Homer, AK 99603
(907) 235-3130
clerk@cityofhomer-ak.gov

Maintenance Office:

Parks Maintenance Superintendent
Public Works Department
3575 Heath Street
Homer, AK 99603
(907) 435-3139
parks@cityofhomer-ak.gov



RESERVATION OF INTERMENT SPACES

Reservation/Renewal of Interment & Cremains Plots

- A. Reservation of a cemetery plot may be made by completing a Cemetery Plot Reservation application with the Cemetery Office. Payment of the standard interment or cremains plot fees shall be due in full at time of reservation.
- B. The reservation of a cemetery plot conveys the right to use the space for interment purposes and not ownership of such real property.
- C. Reservations shall include a 30-year sunset clause, requiring renewal at no fee to the Reservation Holder. The plot returns to the City if an interment has not taken place at the expiration of 30 years and the Reservation Holder fails to renew or the City cannot locate the Reservation Holder. Any marker left on the plot will be removed and disposed of as the City in its sole discretion deems appropriate.
- D. Cemetery plots are reserved on a first come, first served basis by any person for themselves or their primary household to a maximum of four (4) interment sites. Funeral homes and other similar corporate or business entities are excluded from reserving cemetery plots.

Rights of Transfer, Reassignment, & Re-Sell

- A. It is prohibited for the Deed or Reservation Holder to re-sell their purchased or reserved plots, or to transfer/reassign them without the written consent of the Cemetery Office.
- B. Original Deed or Reservation Holders may release their interest to their cemetery plot(s) and right of interment by reassigning them to a specified person or transferring them back to the City by submitting a Notice of Transfer form to the Cemetery Office. No transfer of cemetery plots or right of interment is complete or effective without the Cemetery Office documenting such transfer.
 - i. Plots released back to the City that were purchased in 2015 or prior are eligible for a 100% reimbursement of cemetery fees.
 - ii. Plots reserved in 2016 or later are eligible for a 75% reimbursement of cemetery fees.
 - iii. Reservation Holders that acquired their cemetery plot(s) through a reassignment and are not the original purchaser, are not eligible for reimbursement if said plot(s) are transferred back to the City.
- C. Upon the death of a Deed or Reservation Holder of a cemetery plot that is not intended for their own use, the next of kin/heirs or assigns of the deceased shall file satisfactory proof with the Cemetery Office of their heir status for the purpose of establishing them as the new Reservation Holder in City records. In the event an heir has the desire to use or assign a family site prior to the settlement of the estate of the deceased, the executor or personal representative of the original Deed/Reservation Holder will become the new Reservation Holder.



INTERMENTS & DISINTERMENTS

General Provisions for Interments & Disinterments

- A. Interments or disinterments shall be made in compliance with all State and City laws and regulations.
- B. Before an interment shall be permitted, the Cemetery Office requires the responsible party for the decedent complete an Interment Permit application, provide a Burial Transit Permit, and ensure the interment or cremains plot fee and marker deposit are paid in full.
- C. The Maintenance Office must be notified a minimum of 72 hours in advance of the time of interment. All openings, closings, plot preparation, interments, disinterment, marker placement and removals conducted by the Contractor and/or Interment Permit Holder shall be overseen by the Maintenance Office.
- D. Any Interment Site Workers used to excavate, fill, or modify a cemetery site must be approved by the Maintenance Office and Contractor.
- E. Only human remains within a casket or coffin are permitted to be buried in an interment plot. Only human cremated remains in an urn/container shall be placed in a cremains plot. Caskets, coffins, and urns/cremains containers must be able to contain the human remains, but are not required to be of a specific material.
- F. Interments in the Cemetery will only occur in geo-referenced plots according to an overall Hickerson Memorial Cemetery GIS plan. Standard interment plots shall be platted in five-foot (5') by ten-foot (10') plots and cremains plots shall be platted in two-foot (2') by two-foot (2') plots. Interments must be centered in the designated cemetery plot.
- G. It is the intention of the City to accommodate the interment of deceased individuals in a timely manner. However, the physical condition of the Cemetery (snow, weather, frozen soil, saturated ground and other reasons) may make timely interment difficult. The City reserves the right to delay interment if necessary for the maintenance of the Cemetery grounds.
- H. No disinterment shall occur without prior receipt by the Cemetery Office of a duly executed Court Order for such disinterment, which is issued in a district court for the State of Alaska, or the issuance of a State of Alaska disinterment permit. The Contractor licensed by the State of Alaska must be present at all disinterments.

Burial Depth Requirements

Interment of one casket:	4 foot minimum from top of casket to surface
Interment of two caskets:	1 st casket – 6 foot minimum from top of casket to surface 2 nd casket – 4 foot minimum from top of casket to surface
Interment of Urns:	16 inches minimum from top of container to surface

Interment Allowances

- A. One (1) casket and up to four (4) urns may be interred in a standard interment plot, provided that the top of the casket is a minimum of four feet from the surface to allow the burial of the urns.
- B. Up to four (4) urns may be interred in a standard interment plot.
- C. Two (2) caskets may be interred in a standard interment plot, provided that the top of the first casket interred is a minimum of six feet from the surface to ensure the second casket can be buried deep enough for the top to be a minimum of four feet from the surface.
- D. Only one (1) urn may be interred in a cremains plot.

Interment Site Preparations

- A. Preparation of the cemetery plot shall be the responsibility of the Contractor. The ceremonial participation by family members or friends in the excavation or backfilling of an interment or cremains plot is permitted upon approval by the Contractor.
- B. The Contractor will provide, place, and remove greens, decorations, or seating used for an interment and must provide necessary lowering devices.
- C. No work utilizing any type of power tools shall be done during an interment service. No work of any kind may be performed within 200 feet of an ongoing interment service.
- D. At the time of closing an interment or cremains plot, only an overburden of four to six inches above grade is permitted. Any additional overburden must be removed and disposed of by the Contractor at the time of interment.
- E. Contractor must immediately install a temporary marker at the interment site, and a permanent marker must be installed within twelve months after interment. Design and dimensions of markers must meet the requirements established within the "Memorial Markers" section.



RECORDS

The Cemetery Office shall keep records of all reservations, transfers, interments, and disinterments for the Cemetery. The records shall include a register for each plot containing an alphabetical index of the names of the persons interred or disinterred from the plot and other vital information. Information will include, as may be available, the deceased's place and date of birth, date of death, date of interment or disinterment, and interment site location.

An official map of the Cemetery shall be maintained by the Cemetery Office so that the exact place of interment or disinterment by section and plot can be ascertained.

Records shall be made available to the public at the Cemetery Office and on the City of Homer's website.



MAINTENANCE & LANDSCAPE REGULATIONS

General Provisions

- A. The City is responsible for the maintenance of the Cemetery and reserves the right at any time to enlarge, reduce, re-plat or change the boundaries of the Cemetery or any part thereof; to modify, change location, move or regrade roads, drives, walks or any part thereof; to lay, maintain, operate, alter or change pipelines, gutters, sprinkler systems or drainage; and to relocate interment sites or allow disinterment upon proper legal authority. The City reserves for itself the perpetual right of ingress and egress over all plots for the purpose of maintenance, operations or any emergency work necessary to the operation of the Cemetery.
- B. The City reserves the right to move the remains in any cemetery sites which are located in the Cemetery when and if such sites are in imminent danger of destruction by natural elements. The City shall make every attempt to notify relatives of the deceased whose interment or cremains plots are in danger if such relatives can be identified on the City's records.
- C. The City shall take reasonable precaution to protect all interment markers within the Cemetery from loss or damage yet expressly disclaims any responsibility for loss or damage from causes beyond reasonable precautions. Damages incurred directly or collaterally and caused by or resulting from thieves, vandals, malicious mischief, or unavoidable accidents shall be excluded from the City's responsibilities. Severely damaged markers must be repaired or replaced at the expense of the family, the permit holder, or the responsible party.

Grounds Maintenance Duties/Restrictions

- A. The Maintenance Office shall maintain Cemetery grounds at reasonable intervals, as well as raking, cleaning, grading and landscaping. As conditions allow during the winter, the Maintenance Office will maintain a one-lane driveway and clear the path to an interment or cremains site when a winter funeral is scheduled.
- B. All grading of lots shall be done by Maintenance Office personnel. No person shall do any grading causing the surface of the ground to be raised above the existing height of the surrounding area.
- C. Only City-approved personnel shall discharge any chemical or organic fertilizer, herbicide or other substance on any lot.
- D. Planting of trees, shrubbery, plants, or turf within the Cemetery is not permitted without the written consent of the Maintenance Office. Failure to get prior authorization may result in removal of plant material.
- E. Requests to clear and/or remove any trees, shrubbery, plants, or turf within the Cemetery may be submitted in writing to the Maintenance Office.
- F. No person shall perform any work in the Cemetery in such a manner as to interfere with the walks, decorations, or general arrangement of the Cemetery, except through the written permission of the Maintenance Office.



DECORATION OF CEMETERY SITES

Rules of Liability

Any decoration placed by any individual is the responsibility of that individual. The City does not guarantee that any items placed on any cemetery site will be protected in any way from the elements, thieves, or vandals. All items placed are at the risk of the individual.

Rights of Removal

- A. The City reserves the right to remove all decorative items from cemetery sites and dispose of them. The City is not liable for damages caused to, or the disappearance of flowers, plants or shrubs and assumes no responsibility for their return. Items disposed by the City will not be recoverable.
- B. Any items placed or left on or around any cemetery site that does not qualify as a decoration under this section shall be deemed abandoned property and may be removed and disposed of as the City deems appropriate.

Decoration Allowances

- A. Natural flowers may be placed on interment sites immediately adjacent to the marker for any holiday, birthday, and date of death or anniversary. Any expired plants, cut flowers, wreaths, or flower baskets are subject for removal by the Maintenance Office.
- B. Items that can be placed on or immediately around the permanent memorial marker that do not inhibit the maintenance of the surrounding area and cemetery grounds.

Prohibited Acts/Items for Decorations

- Digging holes or the removal of grass or sod for any purpose
- Construction or placement of concrete slabs that are not permitted memorial markers
- Placement of rocks or any other coverings over cemetery plots
- Glass containers of all types and unattended lit candles
- Permanent raised obstructions such as mounds and fences
- Removal of any flower, plant, or shrub (either wild or cultivated) from the Cemetery grounds, or transfer from one cemetery site to another
- Flowers being placed in or attached to trees, shrubs, or gate



MEMORIAL MARKERS

General Installation/Modification Requirements

- A. The Maintenance Office must be notified prior to any plot preparation, construction, or placement of a headstone or marker.
- B. As specified under “Interment Site Preparations”, all cemetery sites shall have a temporary marker immediately installed upon interment by the Contractor, and a permanent marker installed within twelve (12) months after interment.
 - i. Upon installation of a permanent marker within the twelve month timeframe, the Interment Permit Holder must provide the Cemetery Office proof of installation to have their marker deposit refunded back.
 - ii. If a permanent marker has not been installed within twelve months after interment, the Interment Permit Holder forfeits their marker deposit. The marker deposit shall then be applied to the purchase and installation of a permanent marker by the Maintenance Office.
- C. All permanent markers, headstones, and monuments shall be constructed of sandstone, limestone, marble, granite, or concrete. Design and dimensions of markers must meet the requirements stated within this section.
- D. All permanent markers, headstones, and monuments should be inscribed with, at the minimum, the deceased’s first name, middle initial, last name, any applicable suffixes, date of birth, and date of death.
- E. No modification or adjustment may be made to memorial markers without written approval of the Maintenance Office. Written requests should include a visual representation (e.g. photo or drawing) depicting the modification.
- F. No more than one upright marker per plot will be allowed. Family plots with more than one interment may have a single family monument with flat markers on individual plots. One marker may mark up to two plots in all sections of the Cemetery.
- G. Inappropriate language, as determined by the City, will not be permitted on any of the markers, plaques, or emblems at the Cemetery.

Flat Markers/Headstones

All flat markers/headstones must be four (4) inches thick and set flush with the ground at the head of the cemetery site, centered, inside the plot area, and meet the following dimension requirements:

<u>Standard Interment Plot</u>	<u>Minimum</u>	<u>Maximum</u>
Marker Length:	24 inches	48 inches
Marker Width:	12 inches	24 inches
<u>Cremains Plot Marker:</u>	12 inches by 12 inches	

Upright, Beveled, or Slanted Markers/Headstones

All upright or slanted markers/headstones must be set on and affixed to a single poured concrete or granite foundation base. It must be installed at the head of the interment plot, centered, and inside the plot area. The foundation base shall extend three inches beyond all sides of the marker/headstone, shall be at least four (4) inches thick, and set flush with the ground.

Beveled markers/headstones do not require a foundation base but must be four (4) inches thick at the lesser end and be flush with the ground.

Upright, beveled, or slanted markers/headstones are authorized for standard interment plots only, and must meet the following dimension requirements:

	<u>Minimum</u>	<u>Maximum</u>
Marker Height from Ground:	--	48 inches
Marker Length (excluding base):	12 inches	48 inches
Marker Depth (excluding base):	6 inches	24 inches

Family Monuments

Households with one or more interment plots immediately adjacent to each other that have more than one decedent interred within them are permitted to install one family monument in addition to the markers on the individual plots. The monument must be placed within the boundaries of the combined plots. Any monument that exceeds 48 inches in height is required to have a foundation analysis by the Maintenance Office. Any work correcting deficiencies will be at the cost of the Interment Permit Holder.

Memorial Wall

- A. A permanent structure is provided by the City at the Cemetery for the placement of name plaques to honor veterans and service members.
- B. Plaque placement requests can be submitted to the Maintenance Office in writing. Expenses for producing a memorial name plaque are the sole responsibility of the requestor.
- C. The inscription on the memorial wall will include the first name, middle initial (if desired), and last name together with the year of birth and the year of death, and be up to 40 characters. Additional phrases may be added if they meet the maximum characters per plaque of 40 characters.



CEMETERY PROHIBITIONS & VIOLATIONS

Prohibited Acts

- A. No person other than authorized Cemetery personnel shall be allowed to perform any work on any cemetery site within the grounds without written permission from the City.
- B. Except as authorized in writing by the City, it is unlawful for any person to operate or drive any motor vehicle off the designated roads. Vehicles must not exceed 10 mph.
- C. Trucks over one ton, buses, tractors, trailers, and oversized vehicles are strictly prohibited from the Cemetery property unless approved in writing by the City. Maintenance vehicles and equipment owned by the City or the Contractor are exempt from this provision.
- D. No skateboards or roller blades shall be allowed on Cemetery property. Bicycles are restricted to Cemetery roadways only.
- E. Snowmachines, ATV's, and any other motorized off-road vehicles are prohibited in the Cemetery.
- F. Horseback riding or horse carriages within or through the Cemetery is prohibited unless part of a ceremony.
- G. Alcoholic beverages or controlled substances are strictly prohibited within the Cemetery with the exception of special Cemetery events, which must be approved in writing and in advance by the City.
- H. No person shall plant or set any tree, shrub, flower, grass, or other plant of any kind in the Cemetery without the written approval of the City.
- I. No person shall pick or mutilate any flowers, either wild or domestic, or disturb any trees, shrubs, or other planted material within the Cemetery grounds.
- J. It is unlawful for any person, except a City employee or the Contractor in the performance of their Cemetery duties, to willfully make any unnecessary noise or disturbance within the Cemetery.
- K. No person shall deposit waste or other hazardous or unsightly substances in the Cemetery.
- L. It is unlawful for a person to sell or offer for sale any article of merchandise or any food or beverage within the limits of the Cemetery unless a specific activity is approved in writing by the City.

Violation – Penalty

Any person, firm or corporation who violates or maintains any violation of the provisions of this chapter shall, upon conviction thereof, be fined in an amount not to exceed three hundred (\$300.00) dollars or the direct cost of replacement or repair of damaged Cemetery property, whichever is greater. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.