



ORDINANCE NO. ORD17- 07

**AN ORDINANCE OF THE MONO COUNTY BOARD OF
SUPERVISORS AMENDING CHAPTER 7.32 OF
THE MONO COUNTY CODE PERTAINING
TO PUBLIC CEMETERIES**

WHEREAS, There are three public cemeteries, within the meaning of California Health and Safety Code section 8131, located within Mono County: (1) The Southern Mono County/Mt. Morrison Cemetery, (2) the Bridgeport Cemetery, and (3) the Mono Lake Cemetery; and

WHEREAS, The Mono County Board of Supervisors has the authority to enact ordinances regulating public cemeteries pursuant to Health and Safety Code section 8115; and

WHEREAS, Chapter 7.32 of the Mono County Code, as currently existing, requires amendment to the code in order to comply with revisions to State law that have been made since the Chapter was adopted in 1964; and

WHEREAS, Mono County desires to amend Chapter 7.32 in order to comply with State law, while also providing for the orderly and respectful interment and burial processes appropriate to the County as a whole and specific to the currently existing County public cemeteries; and

WHEREAS, Mono County desires to maintain the quality and historical nature of the existing Mono County public cemeteries to the extent permitted by law:

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO ORDAINS that:

SECTION ONE: Chapter 7.32 of the Mono County Code is amended in its entirety to read as follows:

SECTION 7.32.010 Definitions

(A) Unless otherwise defined below, the definitions set forth in Section 7000 *et. seq.*

1 of the California Health and Safety Code shall be applicable to this Chapter.

- 2 (B) "County" shall mean the County of Mono.
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- 4 (C) "Department of Public Works" shall mean the Mono County Department of
5 Public Works.
- 6 (D) "Enclosure" shall mean a fence, railing, curbing, hedge or structure that defines
7 a burial plot thus separating the plot from those adjoining.
- 8 (E) "Historical Plot" shall mean any plot, whether it encompass one or multiple
9 grave sites, reserved prior to June 11, 2017.
- 10 (F) "Resident" shall mean someone who maintains a residence, owns real property
11 or pays property taxes in Mono County.
- 12 (G) "Plot" shall mean space in a cemetery, used or intended to be used for the
13 interment of human remains. A plot shall include only one grave site. The
14 purchase of a plot does not convey property title to the Plot Representative.
- 15 (H) "Plot Representative" shall mean the person designated to represent the
16 individual, family or group for which a Plot is reserved before the Department
17 of Public Works.
- 18 (I) "Vault" or "liner" means a plastic or concrete lining of a grave intended to
19 maintain the integrity of the grave site.
- 20 (J) "Veteran" shall mean a person who served in the active military, naval, or air
21 service and who was discharged or released under conditions other than
22 dishonorable pursuant to Title 38 of the Code of Federal Regulations.

23 **SECTION 7.32.020 Public Cemeteries**

- 24 (A) Unless superseded by ordinance, each part of this chapter not specific to any of
25 the below identified public cemeteries is applicable to any additional Mono
26 County public cemetery that may come into existence at a future time. The three
27 public cemeteries to which this Chapter applies are identified as follows:
- 28 (1) The Southern Mono County / Mt. Morrison Cemetery ("Mt. Morrison
Cemetery"), located at 189 Mt. Morrison Road, Mammoth Lakes, CA 93546.
- (2) The Bridgeport Cemetery, located at 46 Cemetery Road, Bridgeport CA 93517.

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2 (3) The Mono Lake Cemetery, located at 1200 Cemetery Road, Lee Vining CA
3 93540.

4 **SECTION 7.32.030 Authorization for Department of Public Works to**
5 **Implement Regulations, Adopt Forms and Manage the**
6 **Public Cemeteries**

7 The Department of Public Works is hereby designated to implement regulations
8 and adopt forms reasonably necessary to efficiently carry out the terms of this
9 Chapter, to prohibit nuisances from developing within County public cemeteries,
10 and to manage the County's public cemeteries.

11 **SECTION 7.32.040 Mapping and Plotting Requirements**

- 12 (A) The Department of Public Works shall complete a program to map the entirety of
13 each Mono County public cemetery. Each map shall divide each cemetery into a
14 series of predetermined rows, and shall divide the rows by access lanes of
15 predetermined size(s) in order to permit necessary operating equipment to access
16 the sites. Each row shall contain a series of Plots, and all newly mapped Plots not
17 already utilized shall be of a predetermined size. Each map shall depict the actual
18 Plot boundaries of existing, utilized sites that are larger than the predetermined
19 size of plots not already utilized. Each map shall designate whether a vault is
20 required to be installed at a Plot site due to existing soil conditions. Each Plot shall
21 be numbered and registered with the Department of Public Works. These maps
22 shall be modified from time to time as required due to changing conditions.
- 23 (B) Any currently existing, properly reserved, Plots at existing Mono County public
24 cemeteries are to be incorporated into the relevant cemetery map as is without
25 further restriction as to size and/or allowance, unless such plots are non-compliant
26 with the terms of any lease entered into between the County and the cemetery
27 property owner.
- 28 (C) The size and allowance of the newly mapped Plots not already utilized shall be as
follows:
- (1) Unless a properly implemented ordinance update otherwise permits, an individual Plot in any public cemetery may only hold:
 - (a) One casket;
 - (b) Two caskets arranged with one casket residing above the other;
 - (c) Six urns; or

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(d) One casket and three urns.

(2) Except as provided in section 3 below, the default size for any plot shall be five (5) feet wide and ten (10) feet in length;

(3) For the Mono Lake Cemetery each plot shall be six and one half (6.5) feet wide and ten (10) feet in length.

SECTION 7.32.050 Reservation Policy

(A) Prior to an interment in any Plot, the Plot must be duly reserved pursuant to this Ordinance by a Plot Representative.

All Plot reservations must be processed and approved by the Department of Public Works. Any Plot Representative must keep the Department of Public Works apprised of their current contact information. Plots may only be reserved for human beings.

(B) For any Plot reservation purchased, the Plot Representative shall sign a waiver on a form provided by the County which substantially provides:

" I [NAME OF PLOT REPRESENTATIVE] hereby release for any or all purposes, the County of Mono, its officials, officers, employees and agents from liability of any kind that may be caused by or associated in any way with the use of [DESCRIBE PLOT] for the interment of [NAME OF DECEASED], including but not limited to mistaken burial. I further agree to defend, indemnify and hold Mono County, its officials, officers, employees and agents free and harmless from any and all liability from loss, damage or injury to property or persons in any manner arising out of or incident to the use of [DESCRIBE PLOT] for the interment of [NAME OF DECEASED], including, without limitation the payment of attorney's fees. Further, I shall defend at my own expense, including attorney's fees, Mono County, its officials, officers, employees and agents in any legal action in any manner arising out of or incident to the use of [DESCRIBE PLOT] for the interment of [NAME OF DECEASED].

(C) Sub-leasing and/or sale of plots to a third party is prohibited and, if attempted or effected, shall be void and result in the forfeiture of the reservation in question.

(D) A Plot Representative may reserve up to four (4) Plots, provided the names of those individuals whose remains are intended to be buried in the Plots are identified and assigned to a specific Plot. No person shall be eligible to have more than one Plot

1 reserved for his/her remains.

- 2 (E) Changes may be made to Plot reservations provided written direction is filed with
3 the Department of Public Works and upon payment of applicable fees.

4 **SECTION 7.32.060 Monument and Headstone Policy**

- 5 (A) All Plots must have a permanent monument or headstone to identify any
6 interments buried within the Plot within one (1) year of interment. All monuments
7 and headstones must be constructed from durable, weather resistant materials. The
8 cost of installing and maintaining any such monument or headstone is the
9 responsibility of the Plot Representative. A fee shall be charged to the Plot
Representative for the removal of a monument or headstone that is not in
compliance with this section.

- 10 (B) No monument or headstone may encroach outside of its Plot. All monuments and
11 headstones must be set back six (6) inches from the boundary of the Plot on all
12 sides, and no monument or headstone may interfere with any applicable setback
13 requirements. No monument or headstone may be greater than four (4) feet in
14 height or as otherwise required by a more restrictive lease between the County and
property owner.

- 15 (C) The person(s) or entities intending to install a monument or headstone on a Plot
16 shall obtain approval from the Department of Public Works prior to installing any
17 such monument or headstone. Unless the work is performed by the County, no
18 installation of a monument or headstone on a Plot shall be permitted unless and
19 until the Plot Representative and person or entity performing the work agree in
writing to indemnify, defend, and hold harmless the County from and against any
and all claims arising out of or related to said installation.

- 20 (D) Any non-permanent marker, plant, tree, or other ornament or device shall also be
21 subject to the rules and regulations promulgated by the Department of Public
22 Works.

23 **SECTION 7.32.070 Abandonment of Historical Plots and Reserved Plots**

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25 If the Plot Representative for any Plot is unknown to the Department of Public
26 Works and the Plot has not been used for interment for a period of at least five
27 years, the County may seek a determination from the Mono County Board of
28 Supervisors that the Plot is abandoned and reconveyed back to the County for
resale or reconveyance. Prior to seeking any such determination, the County shall
provide reasonable notice of intent to declare the plot abandoned and sold via a
notice in the local paper.

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SECTION 7.32.080 Fees and Establishment of a Cemetery Fund

(A) All fees, including, but not limited to, plot reservation fees, interment fees, disinterment/excavation fees, headstone deposit fees, headstone removal fees, and plot boundary marking removal fees shall be established pursuant to an ordinance or resolution of the Board of Supervisors. Said fees shall be collected to offset the expenses incurred in the administration and management of the cemeteries, but shall not exceed the cost to the County to provide the related services. Said ordinance or resolution may be reviewed on a periodic basis as needed.

Due to the costs incurred by the County in administering the public cemeteries, the varying contribution made by residents and non-residents of the County toward said costs, and the limitation on the number of available plots, said ordinance or resolution shall be structured to impose fees for newly reserved plots specific to reservations for (1) Mono county residents and (2) Non-county residents who pay no Mono County taxes.

(1) In addition to plot reservations and open and close, disinterment and headstone services, the fees collected pursuant to this chapter shall be used for the following purposes, including those purposes generally related thereto as determined in the sole discretion of the County:

- (a) Construction of a fence or walled enclosure of each public cemetery;
- (b) Interment of unclaimed remains or remains for which insufficient funds are legally obtainable through the estate of the deceased or person responsible;
- (c) Care and maintenance of the cemetery grounds;
- (d) Purchasing of equipment reasonably necessary for the Department of Public Works to carry out the terms of this Chapter;
- (e) Permanent plot markers;
- (f) Recovery of costs incurred in implementing and enforcing this Chapter;
- (g) Any other use reasonably calculated to benefit the operation of the public cemeteries;

- 1 (h) Any excess cemetery funds remaining at the end of the fiscal year shall be
2 deposited into a separate cemetery fund used for the public cemeteries.
- 3 (i) Expansion of cemetery/ purchase/lease of new property for use as a new
4 cemetery.
- 5 (j) Opening and closing plots, disinterment, headstone removal and plot
6 boundary removal.

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8 **SECTION 7.32.090 Record Keeping Requirements**

- 9 (A) The Department of Public Works shall keep a record of all remains interred or
10 cremated and of the interment remains on the premises, in each case stating the
11 name of the deceased person, date of death, and name and address of the funeral
12 director, if any.
- 13 (B) Said records shall be created and centrally maintained by the Department of Public
14 Works and made reasonably available for public inspection.

15 **SECTION 7.32.100 Interment & Disinterment**

- 16 (A) Plot Opening and Closing:
- 17
- 18 (1) Prior to opening and closing a Plot, the Plot Representative must notify the
19 Department of Public Works in writing of such intent and obtain approval from
20 the Department of Public Works.
- 21 (2) It is the responsibility of the Plot Representative to arrange and pay for Plot
22 opening and closing. All arrangements for the opening and closing of Plots are
23 to be made through a County approved licensed contractor or an operator that
24 has demonstrated the necessary skills required to open and close gravesites in
25 Mono County.
- 26 (3) Unless the work is performed by the County, no opening and closing of a Plot
27 shall be permitted unless and until the Plot Representative and person or entity
28 performing the work agree in writing to indemnify, defend, and hold harmless
the County from and against any and all claims arising out of or related to said
opening and closing of the Plot.
- (4) In the event that human remains are interred in the wrong grave or Plot, or a
grave or Plot previously contracted for or purchased by another party, the

1 County shall make every effort to resolve the situation to the satisfaction of all
2 interested parties. To this end, the County may, but is not necessarily required
3 to, resolve issues of doubt in favor of the previously purchased or contracted
4 grave or burial right. Notwithstanding the County's intent to resolve all issues
5 to the satisfaction of all parties involved, it shall be understood and
6 acknowledged that the County has the legal authority to disinter any human
remains and reinter them within the same cemetery without the consent of
family members or the benefit of a court order.

7 (B) Interment:

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- 9 (1) Only human remains are permitted for interment within a public cemetery. All
10 remains must be buried within Plots. No mausoleums or columbariums are
permitted to be constructed in a public cemetery.
- 11 (2) The Plot Representative is responsible for purchase and installation of any
12 vaults or liners at a Plot site, as determined by the Department of Public Works,
13 to provide lasting protection to the physical integrity of a gravesite against the
14 opening and closing of adjacent gravesites. If made available by the County, the
15 Plot Representative may purchase a standard vault from the Department of
16 Public Works at a cost set by the County. Prior to installation of any vault not
17 purchased through the Department of Public Works, any such vaults shall first
18 be inspected for approval by the Department of Public Works to ensure
19 compliance with this section. If the Plot Representative is unable or unwilling
20 to comply with this section, any fee paid by said individual shall be returned
21 and the plot reservation relinquished back to the County.
- 22 (3) Where no vault or liner is required, at the discretion of the Department of Public
23 Works, remains may be placed in a biodegradable container within the grave; or
24 may be contained in a shroud of 100% plant and/or animal fiber and placed
25 directly into the grave. Burials without liners may be limited to a specific
26 section in a cemetery.
- 27 (4) Except for cremains not in an urn, or consensual double burials, there shall be
28 no less than 24 inches of dirt or turf on top of all vaults, caskets, or urns as
measured at the time of burial.
- (5) In the case of consensual double burials, the casket that is on top shall be
covered with at least 18 inches of dirt or turf as measured at the time of burial.
- (6) All interments must be within the boundaries of their respective Plot.
- (7) Where conditions require a means of excavation by other than hand digging, the

1 method of excavation shall be subject to approval from the Department of
2 Public Works.

3 (8) A tarp or board shall be used for temporary storage of excavated material.
4 Upon completion of the interment, excavations shall be filled, and soil
5 compacted and/or mounded to allow for settling. Excess material shall be
6 distributed on site, or disposed of as directed by the Department of Public
7 Works. The site shall be cleared of all rocks and other debris removed during
8 excavation.

9 (9) A temporary marker must be placed at the time of interment.

10 (a) The funeral director or Plot Representative shall supply and place a
11 temporary marker noting the name, date of birth, date of death, and date of
12 interment of the deceased.

13 (b) The temporary marker must be weather resistant so as to remain in place
14 and legible for one (1) year and until the permanent marker is placed.

15 (c) The Requirement of this section may be waived at the discretion of the
16 Department of Public Works.

17 (10) Markers, monuments, enclosures, and ornamentation may be installed
18 before interments have taken place provided adequate room is allowed for
19 an unobstructed interment later.

20 (C) Disinterment:

21 (1) Notwithstanding section 7.32.100(A)(4), pursuant to Health and Safety Code
22 section 7527, the remains of a deceased person may be removed from a Plot in a
23 cemetery with the consent of the Department of Public Works and the written
24 consent of one of the following in the order named:

25 (a) The surviving spouse; or if none

26 (b) A majority of the surviving children; or if none

27 (c) The surviving parents; or if none

28 (d) The surviving siblings.

(e) If the required consent (above) cannot be obtained, permission by the
superior court of the county where the cemetery is situated is sufficient

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2 (2) No remains of any deceased person shall be removed from any public cemetery
3 except upon written notice to the Department of Public Works and written
4 order of the Mono County Health and Human Services Department.

5 (3) Any person who removes any remains shall provide the Department of Public
6 Works with a true, correct and complete record showing:

7 (a) The date such remains were removed;

8 (b) The name and date of birth and death of the person removed;

9 (c) The location where the remains were buried or otherwise disposed,
10 including, if applicable, the cemetery and the Plot therein in which such
11 remains were buried.

12 (d) The State of California Application and Permit for Disposition of Human
13 Remains ("State Permit") as issued by the Office of Vital Statistics for the
14 state of California must accompany the remains to the cemetery. The Mono
15 County Health Department or designee is directed to sign and return a copy
16 of the State Permit to the Office of Vital Statistics.

17 (e) Any other documentation and/or permits as may be required by the
18 Department of Public Works.

19 (4) The person requesting the disinterment shall pay applicable fees in advance of
20 disinterment.

21 (5) All liners, markers, and ornamentation shall be removed and the ground
22 returned to its original condition.

23 (6) The Plot Representative may retain the right to interment in the vacated Plot.

24 **SECTION 7.32.110 Maintenance and Beautification of Cemetery Grounds**

25 (A) The Director of the Department of Public Works may authorize in writing
26 Department personnel, volunteers, non-County staff or individuals not under
27 contract with the County to carry out specific duties required for the day to day
28 operation of the cemeteries and/or to perform specific projects.

(B) The County may conduct Plot maintenance as may be necessary to avoid further
damage to Plots; including but not limited to fill and compaction of Plots settling

1 due to age, inclement weather or other unforeseen actions.

2 (C) Temporary ornamentation, including but not limited to flower arrangements, toys,
3 statues, balloons and holiday decorations, may be removed without notice when
4 damaged, dilapidated or deteriorated.

5 (D) Plantings are subject to advanced approval by the Department of Public Works.
6 Trees or plantings that do not conform to the regulations and restrictions stated
7 herein may be removed without notice.

8 (1) Trees and plants known to be invasive and/or noxious are prohibited. The
9 use of native plants and shrubs is encouraged.

10 (2) Planting of memorial trees is restricted to areas not intended to be used for
11 interment.

12 (3) Shrubs, flowers and other plantings shall be placed wholly within the
13 boundaries of a grave or family plot, as applicable.

14 (4) Excavation for planting shall be performed in a manner that does not impact
15 adjacent graves, walkways, and/or roads.

16 (5) Maintenance of memorial plantings and installations is the responsibility of
17 the family or Plot Representative of the interred.

18 (6) Memorial plantings shall be maintained in a manner that prevents
19 encroachment into adjacent Plots.

20 (7) Use of chemical herbicides and pesticides is prohibited, except by the
21 County staff or the County's authorized service provider.

22 (8) Memorial plantings that die or become diseased may be removed without
23 notice.

24 **SECTION 7.32.120 Visiting Hours**

25 Unless a properly implemented regulation(s) otherwise limits visiting hours, there
26 are no time restrictions on visitation to any Mono County public cemetery.

27
28 **SECTION TWO:** This ordinance shall become effective 30 days from the date of
its adoption and final passage, which appears immediately below. The Clerk of the Board

1 of Supervisors shall post this ordinance and also publish the ordinance in the manner
2 prescribed by Government Code section 25124 no later than 15 days after the date of its
3 adoption and final passage. If the Clerk fails to publish this ordinance within said 15 day-
4 period, then the ordinance shall not take effect until 30 days after the date of publication.

5 **PASSED, APPROVED and ADOPTED** this 18th day of April, 2017, by the
6 following vote, to wit:

7 **AYES: Supervisors Corless, Gardner, Johnston, Peters, & Stump.**

8 **NOES: None**

9 **ABSENT: None**

10 **ABSTAIN: None**

11 
12 _____
13 Stacy Corless, Chair
14 Mono County Board of Supervisors

15 **ATTEST:**

16 
17 _____
18 Clerk of the Board

19 **APPROVED AS TO FORM:**

20 
21 _____
22 County Counsel