

**CITY OF CORDOVA, ALASKA  
ORDINANCE 1205**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA, AMENDING SECTION 14.24.020 BY DELETING THE DEFINITION OF VAULT OR ROUGH BOX AND AMENDING 14.24.080 C BY ELIMINATING THE REQUIREMENT OF A VAULT OR ROUGH BOX, REMOVING REFERENCE TO VAULT OR ROUGH BOX, AND RENUMBERING THE BURIAL REQUIREMENTS ACCORDINGLY**

**WHEREAS**, the City of Cordova maintains four cemeteries in the City; and

**WHEREAS**, the City is only using the Cordova Cemetery on the Copper River Highway presently for burying the deceased; and

**WHEREAS**, when other cemeteries were still in use the records of the locations of very old burials were not always accurate, which, when coupled with the deterioration of wooden grave decorations, caused occasional uncertainty regarding burial locations; and

**WHEREAS**, prior to the sole use of the Cordova Cemetery, the City began requiring use of rough boxes as a solution to ensure that equipment did not inadvertently strike caskets while digging new graves for burials; and

**WHEREAS**, to facilitate the rough box requirement, the Cordova Community Medical Center (“CCMC”) staff began constructing and storing rough boxes for use by the City at the Cemetery; and

**WHEREAS**, over time, the construction and storage of rough boxes has become logistically and financially burdensome for CCMC; and

**WHEREAS**, modern innovations have resulted in greatly improved recordkeeping and grave marking practices, which have substantially diminished the current chance of inadvertently hitting a casket while digging a grave;

**NOW, THEREFORE**, it is ordained as follows:

**Section 1.** Cordova Municipal Code Sections 14.24.020 Definitions, and 14.24.080 Burial Work are hereby amended to read as follows:

**14.24.020 Definitions.**

In this chapter:

"Burial" means the permanent disposition of the remains of deceased person by interment in an earth grave.

"Burial permit" means a permit from the city allowing a burial in a burial site.

"Burial preparation" means the excavation, backfill and removal of excess material from a burial site.

"Burial site" means a plot of land in a city cemetery that is six feet wide by twelve feet long, designated for burial purposes.

"City cemetery" means any of the cemeteries described in Section 14.24.030.

"Disinterment" means the legal removal of a deceased person's remains from a grave.

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"Grave" means an excavation not exceeding three feet wide by seven feet long within the boundaries of a burial site for a burial.

~~"Vault" or "rough box" is a commercial vault purchased from a funeral home or a plywood box purchased from the community hospital that is used to protect a casket from damage during burial preparation on an adjacent burial site.~~

(Ord. No. 1108, § 3, 3-20-2013)

#### **14.24.030 Designation of city cemeteries.**

There are four city cemeteries, described as follows:

- A. The Cordova Cemetery is located along the Copper River Highway, within U.S. Survey 1765, and Copper River and Northwestern Railway Terminal Ground B.
- B. The Lakeview Cemetery is located along Power Creek Road within U.S. Survey 1268.
- C. The Odiak Cemetery is located within U.S. Survey 2981, Block 10, Lot 7.
- D. The Old Eyak Cemetery is located within U.S. Survey 3345, Block 2.

(Ord. No. 1108, § 3, 3-20-2013)

#### **14.24.040 Ownership and regulation of city cemeteries.**

- A. The cemeteries designated in Section 14.24.030 are owned by the city and all burial sites within them shall remain in the ownership and authority of the city.
- B. All land within each city cemetery shall be subject to the provisions of this chapter, and regulations adopted under this chapter.
- C. The city council may, by resolution, establish fees, deposits and charges for the use of the city cemeteries.

(Ord. No. 1108, § 3, 3-20-2013)

#### **14.24.050 Operation and maintenance of city cemeteries.**

- A. The city manager shall administer the operation and maintenance of the city cemeteries.
- B. The city manager shall cause each city cemetery to be surveyed, and a map of each cemetery, showing the burial sites in the cemetery, to be prepared. The city clerk shall maintain the map of each city cemetery.
- C. The city clerk shall maintain records of burial permits, and the identity and location of burial of all persons buried in the city cemeteries.
- D. The city at any time may enlarge, reduce, replat or change the boundaries of a city cemetery; establish or modify roads, walks, drainage and other facilities in a city cemetery; and enter upon any burial site for the purpose of operating, maintaining, landscaping, repairing or improving a city cemetery.
- E. The city will maintain the city cemeteries, including maintenance of their common facilities such as roads, walks, fences, drainage and landscaping; lawn mowing; and trash removal. The city shall not be responsible for maintaining grave markers or decorations, or landscaping placed on a burial site by the users of that site. The city reserves the right to remove any tree, shrub, plant, fencing or other structure or memorial located on any burial site which becomes dangerous or detrimental to the operations of the cemetery or interferes with or encroaches upon adjacent burial sites.

(Ord. No. 1108, § 3, 3-20-2013)

#### **14.24.060 Permitted burials.**

- A. Only human remains may be buried in a city cemetery.

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- B. No remains may be buried in a city cemetery until the city clerk has issued a burial permit for the burial. An application for a burial permit shall be in a form approved by the city manager, shall identify the person to whom the permit is issued, identify the person whose remains are to be buried, and designate the burial site for the burial. The application shall be accompanied by the required burial fee and a copy of the state permit for the burial.

(Ord. No. 1108, § 3, 3-20-2013)

#### **14.24.070 Burial sites.**

Burial sites cannot be reserved. The city shall designate the burial site for a burial when the burial permit is issued. In selecting a burial site, the city will consider the preference of the permittee under the burial permit but retains discretion to select the burial site.

(Ord. No. 1108, § 3, 3-20-2013)

#### **14.24.080 Burial work.**

- A. The permittee under a burial permit shall be responsible for all burial work at the burial site, including without limitation burial preparation, burial, disinterment, site cleanup, and any related work. The city manager shall require a deposit, in an amount to be established by resolution, to assure satisfactory completion of the permittee's work. The deposit shall be refunded upon satisfactory completion of the permittee's work.
- B. Under a written agreement in a form approved by the city manager, the permittee under a burial permit may contract with the city to perform burial preparation at the burial site, subject to the availability of city equipment and personnel for this purpose. The permittee shall pay the city its actual costs for labor, equipment and materials required to perform the burial preparation. Before the city performs the work, the burial permittee may be required to post a deposit equal to the city's estimate of the cost of the burial preparation work. The city will determine the actual cost of burial preparation after the construction is completed. If the amount of the deposit exceeds the actual cost, the city shall refund the excess to the permittee. If the actual cost exceeds the amount of the deposit, the permittee shall pay the excess to the city.
- C. Burials shall conform to the following requirements:
1. All burial work shall be confined within the burial site.
  - ~~2. A casket shall be placed in a vault or rough box and centered between the side boundaries of the burial site.~~
  2. ~~3.~~ The burial excavation shall be to a depth that provides a minimum of forty-two inches between the ground surface of the burial site and the top of **the casket** ~~vault or rough box.~~
  3. ~~4.~~ Excavated material shall not be placed upon another burial site.
  4. ~~5.~~ Backfill for the excavation shall consist of D-1 gravel.

(Ord. No. 1108, § 3, 3-20-2013)

#### **14.24.090 Grave markers and decorations.**

- A. The city shall identify each grave in the Copper River Highway Cemetery and the Lakeview Cemetery by placing a half-inch rebar with an aluminum or plastic surveyor's cap stamped with a number in the ground of the burial site.
- B. All other grave markers or decorations shall be provided by the burial permittee and shall conform to the following requirements, provided that the city manager may give written permission for a variation from the requirements of this section upon finding that the strict enforcement of the requirements of this section would cause undue hardship, and the requested variation will not harm the interest of any other burial site user or the public.

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1. A concrete slab with dimensions not exceeding three feet by seven feet, reinforced with wire and rebar, may be placed over a burial site. No topsoil will be allowed under the slab. Subsoil beneath the slab shall consist of well-compacted and well-drained materials (i.e., sand or one-inch-minus gravel).
2. Fences, rock outlines or other grave site containment structures may not extend beyond the length or width allowed for a concrete slab under this subsection.
3. Grave site markers or memorials may not extend beyond the length or width of the grave nor exceed seven feet in height.

(Ord. No. 1108, § 3, 3-20-2013)

**14.24.100 Prohibited acts.**

- A. Except as authorized by the city manager for the operation and maintenance of the cemetery or the preparation of a burial site for a burial, no person may operate a motor vehicle in a cemetery except on roads designated for such operation, and for the purpose of visiting a grave or attending a burial.
- B. No person may willfully remove, damage or destroy any markers, monuments or property in a city cemetery.
- C. No person may remove a grave identifier installed by the city.
- D. No person may bury remains in a city cemetery, or perform other work on a burial site, except in accordance with the requirements of this chapter and any rule, order or regulation issued thereunder, and any permit required therefor under this chapter.
- E. No person may disinter remains in a city cemetery without an order for exhumation.

(Ord. No. 1108, § 3, 3-20-2013)

**14.24.110 Liability of the city.**

In performing maintenance in city cemeteries, the city will take reasonable precautions to protect grave markers and burial sites from loss or damage, but beyond taking such reasonable precautions the city shall not be responsible for loss or damage to grave markers or burial sites regardless of cause.

(Ord. No. 1108, § 3, 3-20-2013)

**Section 2.** This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, within ten (10) days after its passage.

1st reading: May 17, 2023

2nd reading and public hearing: June 7, 2023

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF JUNE 2023.**



*[Handwritten Signature]*

David Allison, Mayor

ATTEST:

*[Handwritten Signature]*

Susan Bourgeois, CMC, City Clerk

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