

These rules govern the use and operation of West Lawn Cemetery, Gering, Scotts Bluff County, Nebraska.

Article 1 DEFINITIONS

Unless the context requires a different meaning, the following terms or phrases have those meanings when used in these rules:

101. "City" means the City of Gering, Scotts Bluff County, Nebraska, a city of the first class.

102. "Ordinance" or "ordinances" means an ordinance or ordinances legally adopted by the City at any time.

103. "Rules" means any or all of the provisions of this document.

104. "Cemetery" means West Lawn Cemetery, Gering, Nebraska.

105. "Sexton" means the employee of the City, under the supervision of the Director of Parks and Recreation and Advisory Board, specially charged with control, use and care of the Cemetery, its grounds, its equipment, and the opening of graves.

106. "Burial spaces" means one or more spaces in the Cemetery in which a body or bodies may be buried.

107. "Monument" means a tombstone, a grave marker, a headstone, a burial vault partially above ground or a combination of these. Burial vaults in Third Addition will be those below ground level only. No above ground grave covers.

Article 2 GENERAL RULES

201. The Cemetery is open every day of the week. The Cemetery gates are open from 8:00 a.m. to 4:00 p.m. starting October 1st to April 30th and from 8:00 a.m. to 8:00 p.m. starting May 1st to September 30th.

202. The sexton may open or close the Cemetery when in his judgment the appropriate use of the Cemetery requires it.

203. If the sexton finds that a health hazard exists, he may close the Cemetery until the health hazard ceases to exist.

204. The sexton has the general oversight of the Cemetery and shall fix the time and day of all funerals in the Cemetery.

205. No firearms or weapons of any descriptions, except those carried by police officers in the performance of police duties or for disposing of rodents or pests or those borne by an organized honor guard or firing squad, may be brought to, carried in, or fired within the Cemetery.

206. No person may operate or travel in a motor vehicle of any type whatever within the Cemetery except on the regularly laid out streets or roads, except for maintenance and opening and closing graves.

Article 3 INTERMENTS, DISINTERMENTS & REMOVALS

301. All interments, disinterment's and removals in or from the Cemetery are subject to these rules, the ordinances and the statutes of the State of Nebraska, City and County.

302. Interments, interment services, disinterments and removals may be made under the direction of the sexton and only at the time and in the manner he permits, according to the laws and under supervision of a licensed mortician.

303. Once a casket or any container containing a body is brought within the Cemetery's boundaries, no person may open the casket or touch the body without first obtaining court permission to do so or permission from legal representatives of the deceased.

304. No person or agents may lower a casket, other container, or vault into a grave until the funeral party has departed except for the immediate family.

305. The sexton may require at least one week's notice of the intention to disinter or remove a body from the Cemetery.

306. Interments, interment services, disinterment's or removals are not permitted on Sunday or any legal holiday. The sexton in his discretion may permit interments on Saturday where he finds it necessary to prevent hardship to a family or funeral home. Charges will be altered for Saturday interments.

307. The sexton may require personal or written instruction concerning a particular space, size or location in a plot where interment is desired.

308. When disinterment is made, the sexton shall permit only the following persons to be present:

- a. A member or members of the immediate family;
- b. The mortician conducting the disinterment;
- c. A legal enforcement official authorized by a court order;
- d. Any other person specifically authorized by law or court order.

309. The City and its official at all times have the right to correct any errors that may have been made in making interments, disinterments or removals and errors of Cemetery deeds.

310. No more than one body or the cremains of one body may be interred in one grave or space unless more than one body is placed in one casket.

- a. An infant with a rough box not to exceed 50" in length may be buried at the foot of a space.
- b. The cremains of two bodies may be buried at the foot of one space.
- c. The cremains of four bodies may be buried in a single space.
- d. The cremains of two bodies may be buried in a cremation/infant space.
- e. One infant and the cremains of one body may be buried in a cremation/infant space.

Article 4 BLOCKS, LOTS AND BURIAL SPACES

401. Generally, the Cemetery is divided into blocks, which are in turn subdivided into four lots, each containing two or four burial spaces. An infant's section and a section for single burial spaces is maintained.

402. All applications to purchase a block, a lot or a burial space must be made to the sexton. The purchaser shall pay the City cashier for the space or spaces purchased and then he shall receive a Cemetery deed from the City for the space or spaces purchased. A purchaser acquires no right, title or interest and may not enter a body in any burial space in the Cemetery until he has paid in full for the space or spaces.

403. A purchaser may sell the space or spaces he owns back to the City. Such a sale terminates the purchaser's rights to use and all his title or interest in the space or spaces sold back to the City. All space sold back to the City must be conveyed by deed naming the City as grantee.

404. A block, lot or burial space purchased by an individual or jointly by a husband and wife may only be used for burial of the family of the owner. "Family", for purposes of this section, means parents, brothers, sisters, spouse, children, grandchildren of that owner. If no members of the family exist after an interment is made, the remaining burial space or spaces belong to the heirs at law of the owner. If there are no heirs at law, the remaining space or spaces escheats to the City.

405. If an interment has been made and the owner of the space or

spaces is deceased (or missing), the family of the owner may be interred in this order:

- a. the spouse;
- b. the children;
- c. the parents;
- d. brothers and sisters;
- e. grandchildren.

A person entitled to interments may waive his right, in writing, to interment or the order prescribed in this section in favor of another family member. Such waiver must be on file with the sexton before interment may be made as provided in the waiver.

406. No more than one casket may be buried in a burial space, except an infant's casket may be placed at the foot of the grave of one of his parents.

407. If no interment is made in a space or spaces owned jointly by a husband and wife following the death of one of them, the space or spaces belongs to the survivor.

408. If no interment has been made in a space or spaces owned by an individual or by a husband and wife jointly, the owner or owners may transfer the space or spaces to another person, provided, however, they must first offer the space or spaces to the City which may repurchase the space or spaces at 100% of the original purchase price. If the City does not repurchase the space or spaces within 30 days after it is offered to the City, the owner or owners may then transfer it to any other person.

409. No sale or transfer provided for in Section 408 is valid or binding on the City until it is recorded in the City's Cemetery records and the City's written approval is endorsed or the deed transferring the space or spaces.

410. 33 1/3% of all monies collected for all lots and spaces sold is put into a Perpetual Care Fund for the purpose of Cemetery maintenance.

Article 5 CARE OF CEMETERY

501. All grading, general landscape work, improvements, all openings and closings of graves and all interments, disinterments and removals shall be made under the direction of the sexton, Director, and Advisory Board.

502. No person may plant any flowers, shrubs, trees or other plants in any burial space or spaces or elsewhere in the Cemetery without first securing the permission of the sexton, Director, and Advisory Board. The sexton may remove any plantings made without owner's permission and the City and its employees shall not be liable for such removal.

503. Floral arrangements and designs, ammunition, toys, marbles, wire decorations, glass, rocks, flowers, shrubs, trees, weeds or any herbage or any plastic or other representations of any of these may be removed by the sexton or his employees whenever he judges them unsightly, dangerous, detrimental, diseased or distracting from the general appearance of the Cemetery or interferes with the mowing and trimming of the Cemetery. Approved items may only be placed at the ends of the foundation within the boundaries of the space, nothing to the front or back of monuments. Also, seven days following an interment and 10 days following Memorial Day, any objects left will be removed.

- a. The Cemetery shall not be liable for flower pieces, baskets or frames in which or to which such floral pieces for funeral services are held in the Cemetery. The Cemetery is not liable for lost, misplaced, broken or otherwise damaged flower vases. The Cemetery shall not be responsible for frozen plants or herbage of any kind or other causes beyond its control.
- b. No floral arrangements and designs, flowers, shrubs or any representations of these may exceed 48" in height.

504. Glass containers and urns of any kind may not be placed anywhere in the Cemetery unless authorized by the sexton or his peers.

505. The Cemetery shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made or where the rules and regulations have not been followed. The City shall be under no duty to recognize any protest of interment unless it be in writing and filed at the Cemetery.

506. CARE IN REMOVAL—the Cemetery shall exercise the utmost care in making a removal, but it shall assume no liability for damage to any casket, vault or burial vase or urn incurred in making the removal.

507. CONTROL OF WORK BY CITY—work to be done by the City—all grading, general landscape work and improvements and all opening and closing of graves and all interments, disinterments and removals shall be made by the City.

508. RIGHT TO REPLAT, REGRADE, use property, change boundaries, remove or regrade roads, change location of drives and walks, alter or change pipelines, gutters or sprinkling systems, irrigation, drainage, lakes, etc., is expressly reserved and the right to use Cemetery property not sold for Cemetery purposes.

MONUMENT AND MARKER REGULATIONS

509. All monuments in the 3rd & 4th Addition must be wet set in concrete.

510. All monuments must have an 8 inch concrete wash.

511. Any double marker exceeding 6 feet in length must have foundation extending entire distance of lot.

512. Any single marker exceeding 2 feet, 6 inches in length must have foundation extending entire distance of lot.

513. No monument may exceed 48 inches in height.

514. No footstones allowed unless set flush with the ground.

515. Flower vases separate from headstone must be set at the end of the foundations, leaving sufficient margin for maintenance (8 inches).

516. Require posting of \$5,000.00 bond or suitable insurance for any company doing monument work in the Cemetery.

517. All monuments and marker locations to be laid out by the sexton with the monument company furnishing the material necessary. Completed work must be approved by the sexton and if not approved by him, to be removed or replaced at the expense of the company doing the original work.

518. A permit to do monument work in the Cemetery must be obtained from the sexton before any work will be permitted. This approval in no way absolves the company from blame for poor material, faulty construction or poor workmanship which may show up in later years.

VAULTS ARE REQUIRED CONSISTING OF CONCRETE, FIBER-GLASS OR CEMENT BOX OR FIBERGLASS LINER

Cost of Services

Grave Space

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| Adult Grave Space | \$650.00 |
| Infant/Cremation Space | \$400.00 |
| Cremation | \$400.00 |

OPENING AND CLOSING OF GRAVES

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| Grave Opening and Closing—Adult | \$650.00 |
| Grave Opening and Closing—Infant (limited to rough box not to exceed 50" in length) | \$400.00 |

Additional Charge for Saturday Openings and closings (AM only)

\$500.00

Cremation

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| Cremation Burial | \$425.00 |
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Disinterment

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| Adult Grave | \$1,200.00 |
| Infant Grave | \$1,000.00 |
| Cremation | \$600.00 |

Recording Deed

\$50.00

Monument Company Only Fee

\$150.00

(Rates effective January 13, 2025)

Cemetery Office Phone Number (308) 436-6836

Dustin Fankhauser —Sexton

Email Dustin — dfankhauser@gering.org

Rules and Regulations

West Lawn Cemetery

Gering, Nebraska

