

BENICIA CITY CEMETERY  
RULES AND REGULATIONS  
Revised January 8, 2014

The Benicia City Cemetery, a non-sectarian, limited endowment care cemetery, is owned and operated by the City of Benicia. The following rules and regulations shall apply to the maintenance and operation of the Benicia City Cemetery.

**Section 1. ADMINISTRATION**

1.1 The Parks and Community Services Department (Department) shall operate and maintain the Benicia City Cemetery (Cemetery). Daily operation of the Benicia City Cemetery shall be under the direction of the Department. The Department is empowered to enforce all Cemetery rules and regulations, and to exclude from Cemetery property any person violating the same. The Department shall be in charge of the Cemetery grounds and buildings and at all times shall have supervision and control of all persons in the Cemetery, including the conduct of funerals, traffic, employees, plot owners and visitors.

1.2 The Cemetery grounds shall be open daily between the hours of 8:30 a.m. and 5:30 p.m., except that the Cemetery shall be closed at dusk when dusk occurs before 5:30p.m. Admission to Cemetery grounds shall be strictly limited to only those persons on said grounds for Cemetery purposes.

1.3 Office hours for the conduct of Cemetery business shall be by appointment only at the Parks and Community Services Department on Monday through Friday between 8:30 a.m. and 5:00 p.m.

**Section 2. SALES OF FACILITIES, SUPPLIES AND SERVICES**

2.1 By resolution, the City Council shall establish a Fee Schedule for the sale of facilities, supplies and services which shall be provided by the Cemetery. This Fee Schedule shall be available upon request by any interested individual.

2.2 The Cemetery shall only supply concrete grave liners for the lawn section, at rates established by City Council Resolution. For all other sections, the party requesting burial service shall be responsible for providing a City approved plastic liner.

2.3 Burial sites shall be sold only by the City of Benicia Parks and Community Services Department. A statement shall be prepared in duplicate at the time of purchase of any grave lot, crypt, or niche listing those supplies and services purchased by the purchaser. One (1) copy shall be retained by the Department and one (1) shall be

given to each individual purchaser. The purchase of burial lots, crypts, or niches shall be cataloged according to the name of the purchaser and intended beneficiary. Purchasers may only purchase plots for themselves and family members. Plots may not be resold except to the City at the original purchase price.

2.4 All sales of grave lots, crypts or niches specifically exclude any supplies or services such as the opening and closing or for supplies used in connection with interment unless the purchase of such services are included in the statement of purchase.

2.5 All previous sales of facilities shall be deemed to exclude materials and services unless evidence exists to show that specific materials and services were included in the reservation.

2.6 No interment shall be permitted in any grave, crypt or niche nor any memorial placed thereon, until the full purchase price has been paid for such grave, crypt or niche unless the Cemetery has entered into alternate arrangements with the purchaser as manifested by written document containing the terms thereof.

### **Section 3. INTERMENT**

3.1 No interments of remains other than that of a human body shall be permitted in the Benicia City Cemetery.

3.2 In all cases, a body must be accompanied by a burial certificate issued by the local registrar of the County in which the death occurred, details of which shall be recorded in the record of interment along with the records of plot and lot location of burial.

3.3 Application for interment must be approved and all fees must be paid forty-eight hours in advance of intended burial.

3.4 Multiple interments shall be permitted in a single plot when the second and third remains are cremated. The maximum interments allowed per single plot shall be one burial and two cremated remains.

3.5 Services for interment must be scheduled between 9:00 a.m. and 1:00 p.m. Monday through Friday. Services not completed by 2:00 p.m. will be levied an overtime hourly rate as established by Resolution of the City Council and included in the City Cemetery Fee Schedule.

3.6 Interment shall not regularly be made on weekends, or on days designated by the City Council as holidays for City employees. Special arrangements may be made for

interment services on these days based on availability of personnel and at an overtime hourly rate as established by Resolution of the City Council.

#### **Section 4. RIGHT TO CORRECT ERRORS**

4.1 The Benicia City Cemetery reserves and shall have the right to correct any errors that may be made by it past and present, either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by cancelling such conveyance and substituting and conveying in lieu thereof other interment property of equal value at similar location within the Cemetery grounds, or by refunding the amount of money paid on account of said purchase.

In the event the error shall involve the interment of remains of any person in such property, the Cemetery reserves and shall have the right to remove the remains and to re-inter the remains to other property of equal value and similar location within the Cemetery grounds. The Cemetery shall also have the right to correct the improper placement of memorial markers and other items placed on grave sites.

#### **Section 5. DISTINTERMENTS AND REMOVALS**

5.1 No remains of any deceased person shall be removed from the Benicia City Cemetery without a written order from the Solano County Health Department or an order from the Solano County Superior Court. A copy of the order shall be maintained as part of Cemetery records.

5.2 The remains of a deceased person may be disinterred and removed from one grave and re-interred in a grave in a different location within the boundaries of the Benicia City Cemetery upon authorization of the owner or legal heir of the grave in which interment was first made, in which case the removal permit will not be required.

5.3 All charges for the facilities, supplies and services must be paid for at the time of issuance of the order for disinterment and removal.

5.4 The City reserves the right to require at least two (2) weeks notice prior to any disinterment and removal.

#### **Section 6. MONUMENTS AND OTHER MEMORIALS**

6.1 No upright memorials or monuments shall be erected on any grave in the Carquinez, lawn and cremation areas. These areas are reserved for flat markers, which shall not exceed 24"x36"x4" in size.

6.2 All monument markers or other memorials shall be restricted to quality granites, marble or cast bronze and must be approved by the Department as to size and materials prior to placement.

6.3 Foundations for monuments, headstones or markers must be as wide and as long as the base of the stone resting upon it, and as deep as the Department shall determine. The top of all foundations shall be kept one and one-half (1-1/2) inches below ground level.

6.4 The Department reserves and shall have the right to correct any error which may be made by its employees or by any person(s) in the location or placing of a memorial in the Cemetery.

6.5 The placement of flat markers shall be by Department personnel or by an approved monument company with notification to the Department. The City shall approve all plans for installation of coping, curbing, fencing, hedging, borders or enclosures of any kind in the old cemetery sections. All work shall be at the sole expense of the requesting party. No such improvements are allowed in the Carquinez, lawn or cremation areas.

## **Section 7. CARE OF THE CEMETERY**

7.1 The speed limit on all Cemetery roads shall not exceed ten (10) miles per hour.

7.2 Firearms, air rifles or pistols shall not be permitted in the Cemetery except on permission of the Department.

7.3 No dogs, cats, horses or other animals shall be allowed on the Cemetery grounds, with the exception of service animals that are specifically trained to aid a disabled person.

7.4 Fresh cut flowers on a grave shall be left as long as they are attractive, up to a maximum of fourteen (14) days. Flowers shall be removed and disposed of by Department personnel when they become wilted and unsightly except in the lawn section and cremation sections, where all fresh cut flowers and potted plants will be removed by the Department each week. Items that sit on top of a headstone will not be removed. Removed items will be disposed of by the Department.

7.5 Floral frames and other floral arrangements delivered to the grave for a funeral shall be permitted to remain on the grave site for a period of up to fourteen (14) days, after which they will be removed and disposed of by the Department. Persons desiring to keep the floral frames or other floral arrangements must claim them within the fourteen (14) day period.

7.6 The planting of trees, shrubs, plants or flowers on graves or plots is strictly prohibited. Previously planted trees, shrubs or plants which, in the discretion of the Department become a detriment or hazard to the Cemetery shall be removed by Department personnel.

7.7 No one is permitted to break or damage any tree, shrub or plant or to remove a tree, shrub or plant from the Cemetery except upon permission by the Department.

7.8 No one except the lot owner or member of the immediate family, or an authorized person including the Department may remove from any grave or lot any flower, plant, ribbon, floral piece, floral frame or other article of value used in the decoration of the grave or lot.

7.9 Signs or advertisements on Cemetery grounds are prohibited. No person shall be permitted to sell or solicit for sale any monument work or other services on Cemetery property.

7.10 Neither the City of Benicia nor its officers or employees shall be responsible for any article or personal property lost, stolen or misplaced in the Cemetery grounds.

#### **Section 8. TRANSFER OR DISPOSAL OF CEMETERY PROPERTY**

8.1 The transfer, sale or assignment of any grave, lot, crypt, or niche or any interest therein shall be strictly prohibited. A transfer, sale or assignment in violation of these rules shall not be binding on the Cemetery, and the Cemetery may refuse burial for those persons not designated as either purchaser or beneficiary as specified in Section 2.3 of these rules and regulations.

8.2 In the event that the purchaser or his heirs decides for any reason not to utilize the grave, lot, crypt or niche previously purchased, said purchaser may transfer back to the Cemetery the interest purchased in said grave, lot, crypt or niche. In the event of such transfer, the purchaser shall be entitled only to that amount paid by the purchaser for said grave, lot, crypt or niche at the time of purchase as evidenced by the statement compiled and maintained by the Cemetery pursuant to Section 2.3 of these regulations. The purchaser shall not be entitled to any interest or other monies other than reimbursement of the purchase price as specified above.