

CHAPTER 10.04

PIONEER CEMETERIES

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10.04.010 Purpose

The purpose of this chapter is to provide for the management and efficient operation, maintenance, protection and preservation of Metro's Pioneer Cemeteries.

(Ordinance No. 04-1038A, Sec. 1.)

10.04.020 Policy

The Metro Council has determined that it is necessary to adopt these code provisions in order to ensure the long-term stability of Metro's Pioneer Cemeteries, which shall be achieved by cemeteries being managed:

- (a) In compliance with applicable state laws;
- (b) As community assets;
- (c) In a manner that will maximize public financial benefit and long-term stability; and
- (d) To protect and preserve their historically significant nature.

In the management of Metro's Pioneer Cemeteries, all of these four above objectives are to be considered and no one has priority above the others.

(Ordinance No. 04-1038A, Sec. 1.)

10.04.030 Operating Authority

Management and operation of the Pioneer Cemeteries shall be by authority of the Chief Operating Officer, as delegated to the Parks Director.

(Ordinance No. 04-1038A, Sec. 1.)

10.04.040 Enforcement Authority/Cemetery Rules

Upon the direction of the Chief Operating Officer, the Parks Director shall establish Pioneer Cemeteries rules consistent with the provisions of this chapter (hereafter, "Pioneer Cemeteries Rules").

(a) The Pioneer Cemeteries Rules shall be in writing, filed with the Metro Council and available on Metro's internet website. Copies of the Pioneer Cemeteries Rules shall be available at the Pioneer Cemetery offices and shall be given to each grave or niche purchaser.

(b) Person(s) violating any Pioneer Cemeteries Rule shall be subject to exclusion or enforcement as set forth herein.

The enforcement of all provisions of this chapter, including but not limited to the authority to enforce any Pioneer Cemeteries rules established pursuant hereto, shall be by authority of the Chief Operating Officer, as delegated to the Parks Director.

(Ordinance No. 04-1038A, Sec. 1.)

10.04.050 Rates and Fees for Graves, Memorials and Services

(a) Upon the direction of the Chief Operating Officer, the Parks Director shall establish rates for the sale of graves and niches and shall set fees and charges for Pioneer Cemetery services, including burial and other required or optional services. Said rates, fees and charges shall be designed to recover all costs of operating the Pioneer Cemeteries and may be adjusted from time to time without notice, to reflect market rates and to ensure the solvency and financial stability of the Pioneer Cemeteries. Grave and niche purchasers shall pay the rate, fees and surcharge on the date of purchase. No options to purchase graves or niches or other prospective rights to interment in the Pioneer Cemeteries shall be granted unless approved by resolution of the Metro Council setting forth the terms and conditions of said option or prospective right. Grave

prices, fees and charges for services may vary among Pioneer Cemeteries, as determined by the Chief Operating Officer.

(b) A surcharge of 15% for each grave sold and 5% for each niche sold shall be charged and deposited in the Cemetery Perpetual Care Fund.

(c) Bulk grave rates shall be established for interment of wards of the Multnomah county conservator. Excepting the foregoing, bulk sales of graves or niches must be approved by a resolution of the Metro Council setting forth the terms and conditions of said bulk sales, including rates and the terms of resale. Bulk sales of graves or niches occurring prior to the effective date of this ordinance are exempt from this section.

(d) The Parks Director may waive rates, fees and surcharges for grave sales and burial services in situations of extreme financial hardship. All waivers or exemptions shall be applied by written order setting forth the facts justifying the waiver or exemption.

(Ordinance No. 04-1038A, Sec. 1.)

10.04.060 Ejectment, Exclusion, Citation and Arrest

Upon the authority of the Chief Operating Officer as delegated to the Parks Director, the Parks Director and authorized Parks personnel may:

(a) Eject and exclude from the Pioneer Cemeteries any person acting in violation of this chapter, the Pioneer Cemetery Rules, Metro Code Chapter 10.02 or the laws of the state of Oregon for a period of 30 days, or in case of repeated violations, permanently exclude said violators; and/or

(b) Arrest or cite in lieu of arrest any person acting in violation of Metro Code Chapter 10.01 or the laws of the State of Oregon in the Pioneer Cemeteries.

(Ordinance No. 04-1038A, Sec. 1.)