


COUNCIL COMMUNICATION

	Number:	20-234	Meeting:	June 8, 2020
	Agenda Item:	39	Roll Call:	20-0919
	Submitted by:	Benjamin R. Page, Park and Recreation Director		

AGENDA HEADING:

Approval of proposed rules and regulations for municipal cemeteries.

SYNOPSIS:

Staff recommends the approval of the proposed rules and regulations for the City's Parks and Recreation Department including:

- Rules of General Applicability
- Materials
- Decorations
- Flower Receptacles
- Plantings and Monument Regulations
- Public Conduct in Cemeteries

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- Chapter 34 of the Des Moines Municipal Code is dedicated to the organization and management of the municipal cemeteries and outlines the role of the Parks and Recreation Board, the authority of the Parks and Recreation Director, sale of interment rights, establishing fees, memorials (monuments), maintenance fund, and public conduct.
- In addition to Chapter 34, parks and recreation facility elements can be found in Chapter 74, Parks and Recreation.
- In addition to the municipal code, there are rules and regulations that are needed to regulate uses for cemeteries. Many of these rules are not included in the City's Municipal Code, but in order to be enforceable, all rules must be approved by the Des Moines City Council.
- The Citizen Cemetery Advisory Committee recommended approval of the Rules and Regulations at the March 4, 2020 meeting.

- The proposed rules and regulations to municipal cemeteries:

Rules of General Applicability

- The Parks and Recreation Director may assign a designee, which is consistent with Chapter 34.
- Memorials shall be erected or placed by professional monument retailers or dealers and specific materials and sizes are designated by the City.
- The number of memorial markers that can be placed in an interment plot and the location is determined by the City.
- Definitions updated with Chapter 34 have been made throughout the document.
- The City's role with cleaning, repair or maintenance of a memorial and who is responsible for ongoing maintenance.

Materials

- Specific types of materials are to be used for memorials.
- Consistent with Chapter 34 regarding ownership of a memorial.
- The City may fix memorials that are leaning or that have been tipped over.
- The City may clean the memorial of imperfections caused by environmental factors.
- The City may specify the size of a memorial bench.

Decorations

- Types of natural and artificial decoration that can be used in the cemetery has been specified and when it can be placed.
- The City has specified requirements for decorations for columbarium, niches, the Glendale Mausoleum, and memorial benches.
- For safety and to prevent damage to servicing machinery, there are prohibited items that may not be used for decorations.
- The City removal of decorations periods has been updated to provide clarity to the public.
- Unsightly decorations on or near memorials may be removed at the discretion of the cemetery manager.

Flower Receptacles

- An update on the flower receptacle placement has been specified, which will provide uniformity and reduce damage to the memorial or cemetery equipment.

Plantings and Monument Regulations

- Cemetery blocks are designated with types of monuments, location of placement, types and plantings and if vases are permitted.
- This is done specifically for active cemeteries (Glendale Cemetery and Laurel Hill Cemetery).
- Woodland and Elm Grove regulations have not changed.

Public Conduct in Cemeteries

- The rules and regulations are consistent with Chapter 34.
- The commercial photograph section has been updates to reflect current technologies.
- Clarification to pet owners regarding animals have been updated.
- Cemetery staff may remove decorations with language or symbols which are intended to disturb the public peace or provoke violent reactions.

- Cemetery tours honoring historical figures are permitted by authorization of the Parks and Recreation Director.
- Rental of cemetery facilities are permitted for a fee.

- The proposed rules for municipal cemeteries are items that were not included in the City's Municipal Code. The rules and regulations, when combined with the Municipal Code, govern the use of the City's cemeteries. Wherever possible, efforts were made to not duplicate within the rules and regulations anything that was already covered in the Municipal Code.

- When the proposed rules and regulations are approved by the City Council, staff will work to combine the elements from the Municipal Code and the approved rules and regulations to place signs in cemeteries that combine the appropriate code sections and rules and regulations.

- At its May 26, 2020, meeting the Parks and Recreation Board approved the rules for the municipal cemeteries.

PREVIOUS COUNCIL ACTION(S):

Date: September 9, 2019

Roll Call Number: [19-1427](#) and [19-1428](#)

Action: [Amending](#) Chapter 34 of the Municipal Code regarding municipal cemeteries. ([Council Communication No. 19-381](#)) Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(A) Final consideration of ordinance above, requires six votes. Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,801](#). Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Parks and Recreation Board

Date: May 26, 2020

Resolution Number: 20-031

Action: Motion by Potter to approve Cemetery Rules and Regulations as presented. Second by Fanter. Motion carried.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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