

# City of Bellingham Policy

**Title:** ADMINISTRATION AND OPERATION OF BAYVIEW  
CEMETERY  
**Code:** PAR 08.00.01  
**Chapter:** Parks, Recreation And Cemetery  
**Level of Policy:** Departmental  
**Date Issued:** August 4, 1998  
**Date Revised:** January 9, 2008  
**Revised by:** Marcia Wazny, Enterprise Coordinator  
**Developed by:** Bryon Elmendorf, Parks and Recreation Director  
**Approved By:** Paul Leuthold, Parks and Recreation Director

Cancels:  
See Also:

[PAR 08.00.02, CONTRACTING FOR PRE-ARRANGMENT SERVICES](#)  
[PAR 08.00.03, BAYVIEW CEMETERY MEMORIAL SALES AND SERVICE](#)  
[BMC 8.08.010 \(Ordinance No 9412\)](#)  
[RCW Title 68,18-235 .18.39, Title 70.58.250](#)

## Purpose

To establish guidelines, and operational rules for the administration and operation of Bayview Cemetery.

## Scope

This policy applies to all persons utilizing Bayview Cemetery property, goods or services.

## Definitions

**At-Need:** The sale of graves/plots, services, memorials, and materials which are to be delivered immediately or upon delivery to the Cemetery. Graves/plots are At-Need items due to their purchasing being an immediate addition of an asset to one's estate.

**Border:** The concrete edging around the memorial to protect the memorial from damage and to allow trimming around the memorial.

**Burial:** The placement or interment of human remains in a designated grave.

**Cemetery:** Property purchased or designated for the disposition of human remains by any one or the combination of more than one of the following:

- A burial place for ground or earth interments, either casket or cremation.
- A mausoleum for crypt interments
- A columbarium for interment of cremated remains.
- An area designated for the scattering of cremated remains.

**Cemetery Sexton:** The superintendent or other person in charge of a cemetery, and such other persons as the cemetery authority designates have the authority of a police officer for the purpose of maintaining order, enforcing the rules and regulations of the cemetery association, the laws of the state, and the ordinances of the city or county, within the cemetery over which the Sexton has charge, and within such radius as may be necessary to protect the cemetery property. (RCW 68.56.060)

**Columbarium:** A structure, room or other space in a building or structure, containing niches for permanent inurnment of cremated remains.

**Certificate of Right of Burial "License":** A revocable and personal privilege to perform a specific act on the property of another without possessing any estate or interest in the land.

**Committal:** A funeral service which places the remains of the deceased into his/her final resting place.

**Cremated Remains:** A human body after cremation in a crematory.

**Crypt:** A place in a mausoleum of sufficient size used to entomb human remains.

**Endowed Care:** Care or maintenance of the Cemetery as defined by this policy.

**Entombment:** The placement of human remains in a crypt or vault.

**Enterprise Coordinator:** The supervisor of personnel and operations at Bayview Cemetery, also designated as the Cemetery Sexton.

**Extended Property Use:** The placement of cremains in a plot which was created for the placement of a casket burial by extending additional burial rights.

**Foundation:** The concrete or stone slab set below ground level to support and stabilize a memorial.

**Funeral:** A memorial service for a deceased person.

**Grave or Plot:** An area of ground in a cemetery, designated for the burial of human remains.

**Grave or Plot Licensee:** Any person in whose name a Certificate of Right of Burial stands in record, in the records of the Cemetery authority.

**Human Remains or Remains:** The body of a deceased person, and includes the body in any stage of decomposition, except cremated remains as defined by RCW 68.04.020

**Interment:** The disposition of human remains by cremation and inurnment, entombment, or burial in a place used or intended to be used and dedicated for cemetery purposes.

**Liner:** A concrete or composite material container which is buried in the ground to provide outer protection and into which human remains are placed in the burial process.

**Mausoleum:** A structure or building for the entombment of human remains in crypts, in a place used or intended to be used for cemetery purposes.

**Memorial:** Any grave marker, headstone, plaque, or monument that is intended to permanently mark a grave or plot.

**Niche:** A space in a columbarium or urn garden used or intended to be used for the inurnment of cremated human remains.

**Pre-Need sales:** The sale of a predetermined package of burial services purchased in advance of use. Pre-Need sales are available to those living individuals who wish to purchase burial goods and services in advance for use upon or after their death. Grave plots are not Pre-Need as they are an immediate asset in ones estate.

**Scatter Garden:** A designated area in a cemetery for the scattering of human remains.

**Scattering:** The removal of cremated human remains from their container for the purpose of scattering the human remains in any lawful manner.

**Urn Liner:** A container whose purpose is to provide outer protection for the ground burial of cremated human remains.

**Urn Vault:** A container in which are sealed cremated human remains for the purpose of providing outer protection for the ground burial of cremated human remains.

**Vault:** Any container which is buried in the ground and sealed to provide outer protection and in which human remains are placed for burial.

## **Policy/Conditions**

### **1. Bellingham Municipal Code Establishes Regulatory Authority**

- Bellingham Municipal Code 8.08.010 establishes the administrative responsibility for Bayview Cemetery under the Parks and Recreation Department; and
- Authorizes the Director of Parks and Recreation to issue regulations for the use and operation of Bayview Cemetery.

### **2. The City of Bellingham Has Designated Property For Cemetery Use**

- All property has been purchased or dedicated for use at Bayview Cemetery, located at 1420 Woburn St. WA 98226.

### **3. All Cemetery Fees and Charges are Approved By City Council**

- Approved fees and charges will remain in effect until a new schedule is approved by the City Council.

### **4. All Graves/ Plots are Licensed to the Licensee by a Right of Burial Certificate**

- Following the sale of any grave/plot, a Right of Burial Certificate will be issued to the licensee.

**5. The City will not Enforce Agreements Between Common Licensees's**

- If a grave/plot is jointly licensed, authorization for interment will be granted to either licensee or the heirs.
- If an agreement is made between joint licensees, the City will not undertake to enforce, interpret or construe such an agreement.

**6. The City Allows Transfers of Graves/Plots**

- Transfers or conveyance of graves/plots can only be made by the licensee or his/her legally designated representative.
- Transfers or conveyances are subject to any applicable fees at the time of transfer or conveyance.

**5. Privileges of the Licensee are Subject to Rules and Regulations as Established by the City, State or Other Regulatory Authority.**

- Rules are adopted as necessary to preserve the privileges of all for whom the City is the trustee.
- Rules and regulations are subject to change or amendment at any time by the City of Bellingham.
- Copies may be obtained upon request.

**6. The City Requires Full Payment at the Time Goods and Services are Requested**

- Payment is to be made in the form of cash, check or credit cards acceptable to the City.
- A Sales Agreement is to be completed at the time of sale.
- There are two types of Service Agreements:
  - o At-Need Sales for graves/plots, services, memorials, and materials.
  - o Pre-Arrangement Sales of pre-determined packages of burial services and materials.
- Funeral Industry Vendors who pre-register with Bayview Cemetery will be allowed a courtesy account.
  - o It is understood that full payment is due upon receipt of goods and services. Payment will not be considered made until received at the City.
  - o After 30 days, balances will be subject to a finance charge as determined by the Finance Department. The FINANCE CHARGE will be computed on an annual basis of 12 months with thirty days each.
  - o Any payment of less than the entire amount due may be credited on the balance owing without waiving or curing any existing default or affecting the City's right to use any remedies. Payments will first be applied to collection costs and late charges, if any, then to Finance Charges, and finally to the principal amount due.
  - o Funeral Industry Vendors agree to pay the City a dishonored item or non-sufficient funds fee in if payment tendered is dishonored.

**7. The City Recognizes Cases of Financial Hardship**

- The Parks and Recreation Director or designee, is authorized to waive the cash payment requirement for at-need sales agreements.
- Individuals or families must meet the following criteria to be eligible for Financial Hardship:
  - o Adults or children from families who qualify for food stamps, or TANF(Temporary Assistance for Needy Families).

- A cash down payment of at least 60% is required, and the unpaid balance is to be paid over a 90-day contract at the established monthly interest rate of one-half of one percent.
- Payments on account are deemed delinquent the day after payment is due.
  - Delinquency shall be considered a material breach of the agreement justifying termination, and the City shall have the right to remove any and all remains interred and re-inter the same in such as place as the Director of Parks and Recreation shall direct.
  - Any request for exception to this paragraph must be submitted in writing to the Park and Recreation Director.
  - The Parks and Recreation Director or designee, has the authority to extend the payment to a specific date.
- Upon default in payment at any time of the balance due or any accrued finance charges, Bayview Cemetery will suspend and deny further Cemetery services until payment in full is received.
- No memorials will be allowed on any grave or other burial space without full and complete payment of any outstanding sales contracts.

**8. The City is Not Authorized to Accept Assignments**

- The individual, or individuals, who sign the sales agreement must pay all costs and are personally liable and responsible for the goods and services as listed on the sales agreement.

**9. The City May Repurchase Graves/Plots from the Current Owner**

- The Enterprise Coordinator is authorized to offer no more than fifty percent of the original purchase price, less the endowed care fee.
- One hundred percent of the original purchase price can be applied as credit only toward other grave/plot purchases in the Cemetery, less the current processing fee.

**10. City Council Determines the Allocation of At-Need and Pre-Need Sales Received by Bayview Cemetery to the Cemetery Fund**

- At-Need sales will be deposited into the Cemetery fund.
- Proceeds of pre-arrangement sales shall be applied after payment of state sales tax to the Pre-Arrangement Reserve.

**11. The City Establishes a Cemetery Improvement Reserve Within the Cemetery Fund**

- This reserve is composed of a percent of monies received from grave/plot license sales.
- City Council has the authority to designate the principal from this reserve for improvements to the Cemetery.
- Accrued interest or dividends from investment or deposit of this reserve shall be used for care, operation, and capital improvements within the Cemetery.

**12. The City Establishes a Pre-Arrangement Reserve Fund**

- The Pre-Arrangement Reserve Fund is established within the Cemetery Fund for the benefit of beneficiaries of pre-arrangement sales.

**13. The City Requires Endowed Care on all Graves/Plots, Niches, and Crypts Licensed in Bayview Cemetery**

- All grave/plots in Bayview Cemetery will be licensed with endowed care

- Endowed care includes the upkeep of driveways, walks, and other improvements belonging to the Cemetery.
- Includes mowing the grass at reasonable intervals, pruning shrubs and trees, and other such landscape work as shall be necessary.
- Work is prioritized, scheduled, and completed to provide proper and adequate maintenance, but will be limited to those activities which available budgeted funds will allow.
- Endowed care does not include maintenance, repair, or replacement of flowers, grave memorials, or private structures.
- The charge for endowed care is a one time charge calculated as a percentage of the cost of the grave/plot, and is approved by City Council as part of the fee schedule.

**14. Interest in Cemetery Graves/Plots will be Governed by Chapter 68.32 RCW as now and hereafter Amended**

- The City will endeavor to determine the legal next of kin, but the City will not be held responsible for failure to do so.
- The City shall not be responsible for activities by persons falsely representing themselves as next of kin.

**15. The City Reserves the Right to Correct Errors**

- Bayview Cemetery reserves the right to remedy or correct any alleged defect, error, or complaint before any suit, libel, or cause of action, either at law or equity, may be filed against Bayview Cemetery, the City, its employees, or agents.
- A complainant must notify Bayview cemetery in writing of any defect, error, or complaint.

**16. The City Requires a Burial Permit**

- All interment will require the appropriate burial permit as required by the Health Department. The City will not be responsible in any manner for securing any permit.
- Cremated remains must be properly labeled and accompanied by acceptable documentation to the Cemetery to certify the identity of the cremated remains.

**17. The City Schedules Interment and Establishes Visitor Hours**

- The Cemetery grounds are open from 8:00 AM until dusk, daily, except in the case of severe weather or other causes as determined by the Parks Director or designee.
- Bayview Cemetery office hours as established by the Parks and Recreation Director or designee, and are as posted on site.
- Normal burial times are restricted to weekdays, except in the case of emergency.
- Bayview Cemetery reserves the right to schedule all interments according to available time and resources.
  - o Bayview cemetery reserves the right to refuse any interment if time or resources are not available.
  - o Bayview Cemetery reserves the right to refuse any interment which did not include the required notification time period.
  - o Interments which run after the Cemetery office posted closing time, will incur overtime charges.
- Weekend interments are only available in the case of emergency and only if resources are available to accommodate these interments
  - o An emergency interment form must be completed with full information as to the nature of the emergency. The Parks Director or designee will approve all weekend emergency interments.

- o All additional charges, as noted in Bayview Cemetery's price book, will apply to all weekend emergency interments.
- All families or legal representatives will be required to sign a sales agreement, and any other applicable forms or affidavits, accepting responsibility, authorizing, and designating the exact location of the grave/plot for burial.
- Funeral directors, memorial suppliers or designated representatives who sign on behalf of the family are accepting financial responsibility and liability for any decisions or actions taken under their direction.
  - o Any delinquent accounts or bad debts will be pursued through funeral homes or memorial suppliers if said funeral home or supplier signs for authorization.
- All Cemetery license agreements and/or other sales agreements concerning grave/plots, goods and services or care, will be made between the City and the person requesting the goods or services.

**18. The City Requires Notification of Interments**

- Bayview cemetery must be notified a minimum of 24 hours in advance of any interments.
- Bayview requires a minimum of one week notice for any dis-interments or removals.

**19. The City Requires Authorization for Burial**

- Under no condition will Bayview Cemetery open a grave/plot without proper authorization.
- Written authorization by the grave/plot licensee of record must be duly filed in Bayview Cemetery's office prior to any interment, except in cases where prior authorization is on file in Bayview Cemetery records.

**20. The City Requires Permission for the Removal of Remains**

- Provisions concerning permission to remove remains are governed by State Law in Chapter 68.50 RCW as now or hereafter amended.

**21. The City Allows Certain Multiple Interments Per Grave/Plot**

- The interment of two casket burials in one gravesite is not allowed.
- Graves/plots designated as casket sites are allowed one casket and a maximum of five cremated remains.
  - o All cremations placed on a casket designated site are subject to a multiple interment fee.
- Memorialization is limited to a maximum of three memorials on a casket site.
  - o One at the head of the grave/plot and two flat memorials on the grave/plot.
- Graves/plots designated for cremation are allowed, one, two, or four cremation interments per grave/plot.

**22. The City Allows the Scattering of Cremated Remains**

- The scattering of cremated remains is permitted only in sections designated by Bayview Cemetery.
- All applicable fees apply.
- Scattering is subject to all rules and regulations as noted within this policy.

**23. The City Allows for the Interment of "People and Their Pets"**

- The cremated remains of pets are allowed only in a section specifically designated and plotted for "people and their pets".
- This section may contain casket graves/plots, as well as cremation sites.

- o Any cremated pet remains must be identified and noted in Cemetery records as to species.
- o Each cremated pet remains will be considered one of the five cremated remains allowed on a casket site.
  1. Multiple interment fees will apply.
  2. Pet interment costs to be approved by City Council

**24. The City Provides Funerals, Interments, and Committals**

- The grade of all graves/plots is established by Cemetery staff.
  - o Changes in grade are only allowed upon approval by the Enterprise Coordinator.
- Funerals, interments and committals within Bayview Cemetery are under the control of the Cemetery Sexton, or other appropriate authority.
- All graves/plots are to be opened and closed by Cemetery staff only.
- Tents, artificial grass, lowering devices, tractors and other equipment provided by the Cemetery are to be used exclusively for Cemetery purposes.
- All interments are to include the use of a concrete liner or vault designed and manufactured for this purpose.
- Concrete liners and vaults are sold by the City at Bayview Cemetery.
- Vaults or liners purchased from a supplier other than Bayview Cemetery must be approved by the Enterprise Coordinator, or appropriate authority, before use on Cemetery grounds.
- Cemetery staff place all vaults and liners
  - o Families who wish to have their vault or liner placed by a third party must provide a \$500.00 performance bond, and proof of liability insurance with the City named as co-insured in the amount of not less than \$1,000,000.00.
  - o Delivery must be before 9:00 AM the morning of the service.
  - o If delivery is delayed there will be an hourly fee rate applied against the performance bond for every half hour of delay after the scheduled service time, with a minimum late charge of one hour, rate as noted in Council approved price list.
  - o Failure to comply with these criteria or any policies and regulations pertaining to Bayview Cemetery will result in refusal of delivery.

**25. The City Establishes Designated Sections**

- The West half of Section 9 is designated as an urn garden for cremation interments only.
- The East half of Section 19 and Section 31 are designated for small child/infant interments only.
- The Fountain garden and creek wall ground graves/plots are designated for cremation only.
- Fountain garden and Creek wall columbaria are niche sites designated for cremation only.
- Section 30 is designated as the Mothers Memorial Section and is an urn garden for cremation only.
- Section 27 ground and columbaria are designated for Military Veterans and their families only.
- Section P is designated as an urn garden for cremation interments only.
- Section 32 is designated for interments of "People and Their Pets".

**26. The City Regulates, Care, Improvements, and Landscaping Within Bayview Cemetery**

- All improvements of plats shall be done by Cemetery staff.
- No lot or grave/plot shall be defined by fence, railing, coping hedge, or by any unauthorized memorial.
- Any items placed improperly or without the permission of the Cemetery shall be removed at the grave/plot licensee's expense.

- Bayview Cemetery reserves the right to remove any item of any sort, at any time if the Cemetery deems these materials to be unsightly, dangerous, detrimental, diseased, or when they do not conform to the current standards maintained.
- Bayview Cemetery is not liable for items removed as noted in this policy.
- Bayview Cemetery is not liable for damaged caused to grave/plot decorations or memorials, by thieves, vandals, or by other causes beyond its control.
- Bayview Cemetery reserves the right to regulate the decoration of graves/plots.
  - The City bears no responsibility for any decorations placed on a grave/plot.
  - Cut flowers and bouquets are allowed year round.
  - Artificial flowers and decorations are allowed from November 1 until March 1st, only.
  - Decorations on new burials will be allowed to remain for one week from time of burial.
  - Wilted flowers may be removed during this period at the discretion of the Cemetery staff.
  - Trees, shrubs, or other woody vegetation is not allowed to be planted on the gravesites.
  - Glass, including vases, ornaments or other, is not allowed on the gravesites, and will be removed and disposed of immediately.
  - Pots and planters of any no-glass type are allowed to be placed at the base or side of the memorial.
    1. The City is not responsible for the maintenance of the pot or planter.
    2. If the pot or planter is not maintained or interferes with maintenance tasks, the City can remove and dispose of the pot or planter.
- The planting of trees, shrubs or other vegetation on plots/graves, is prohibited.
  - Except in the case of precast potholes in a memorial foundation, in which case annual flowers only may be planted.
  - Only personnel authorized by the City shall trim, prune, or remove any part of the trees or shrubs in Bayview Cemetery.
- Plot/grave owners with trees, shrubs or other vegetation planted on their plot/grave prior to Bayview Cemetery regulations, may remove or prune such vegetation with approval from the Enterprise Coordinator.
- If any tree, shrub or other vegetation situated on any plot/grave by means of its roots, branches, or otherwise becomes detrimental, dangerous, or objectionable to adjacent plots/graves, walks, roads, or avenues, or if the City is unable to maintain the grounds, the City will have the right to enter upon the plot/grave and remove such vegetation or any part(s) thereof as it may deem necessary.

**27. The City Designates Bayview Cemetery as a Dog On Leash Area**

- All dogs must be on leash at all times in Bayview Cemetery.
- Pet owners must clean up any and all fecal matter deposited by dogs.
- **Any Person or Person's, or Their Pets, Disturbing the Sanctity of the Cemetery by Improper or Boisterous Behavior Will be Expelled and May be Trespassed from the Cemetery**
  - The Parks and Recreation director or designee will have the authority to expel.
  - Violation of any of the rules and regulations of Bayview Cemetery will also result in expulsion.