**Chapter 11.02 General**

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**11.02.010 Definitions**

As used in this chapter, the following terms have the meanings ascribed to them in this section unless context indicates otherwise.

1. “Burial” means interment or inurnment of human remains.
2. “Business Hours” Monday through Friday, 8:00 a.m. to 4:30 p.m.
3. “Casket” means a long, narrow box in which human remains are buried.
4. “Cemetery” means a place that is used or intended to be used for interment, and includes a graveyard, or any other area containing one or more graves.
5. “Cemetery Director” means the person responsible for care and upkeep of the cemetery and opening and closing of grave spaces, cremation grave spaces and Columbarium Niches.
6. “Cemetery element” means grave spaces, cremation grave spaces, Columbariums, or other items associated with the cemetery, including fences, roads, curbs, walls, paths, gates, benches, lighting and landscaping.
7. “Cemetery purpose” means a purpose necessary or incidental to establishing, maintaining, managing, operating, improving, or conducting a cemetery, interring remains, or caring for, preserving, and embellishing cemetery property.
8. “Columbarium” means a durable, fireproof structure, which contains niches and is used or intended to be used to contain cremated human remains.
9. “Columbarium Niche” means a space in a columbarium or receptacle used or intended to be used for the placement of cremated human remains in an urn or other container.
10. “Cremated human remains” means bone fragments and ash remaining after the cremation process.
11. “Cremation” means the irreversible process of reducing human remains to bone fragments and ash through extreme heat and evaporation.
12. “Decorum” means behavior in keeping with good taste and propriety.
13. “Deed” means a legal document constituting evidence of a right to ownership of a grave space or spaces with perpetual care. Upon enactment of Ordinance #459, deeds will no longer be issued. (See “Right to Inter Certificate”)
14. “Grave” means a space of ground that contains interred human remains and is used or intended to be used for interment of human remains in the ground.
	1. One standard grave space measures three (3) feet by eight (8) feet.
	2. One cremation grave space measures three (3) feet by four (4) feet.
	3. One infant grave space measures two and one half (2 ½) feet by five (5) feet.
15. “Green Burial” means the interment of the human remains of a dead person in the soil in a manner that does not inhibit decomposition but allows the human remains to recycle naturally.
16. “Human remains” means the body of a decedent.
17. “Infant” means a child under the age of three (3) years old or under three (3) feet in length.
18. “Interment” means the permanent disposition of human remains by burial in a casket.
19. “Interment right” means the right to inter the human remains of one decedent in a plot.
20. “Inurnment” means the permanent disposition of cremated human remains by placement in the ground with or without a burial container or by placement in a Columbarium Niche.
21. “Liner” means an outer container that covers a casket in a grave to prevent the grave from settling.
22. “Opening and Closing” means the process of digging and preparing a grave space or cremation grave space for burial.
23. “Owner” means a person:
	1. in whose name a plot, grave space, cremation grave space or Columbarium Niche is recorded as the owner of the exclusive right of burial; or
	2. who holds a certificate of ownership or other instrument of conveyance for the exclusive right of burial in a particular plot in the cemetery.
24. “Perpetual care” means the permanent maintenance, repair, and care of the cemetery elements.
25. “Plot” means a grave space in the cemetery owned by an individual or organization that is used or intended to be used for interment or inurnment, including a grave space or adjoining grave spaces.
26. “Pre-need” means the pre-payment of opening and closing interment or inurnment fees.
27. “Remains” means human remains or cremated human remains.
28. “Right to Inter” means ownership of the right to bury human remains in a particular space in Mountain View Cemetery.
29. “Right to Inter Certificate” means a legal document issued by the City of Dillon giving ownership for the right to inter human remains in a particular grave space, cremation grave space or Columbarium Niche.
30. “Vault” means an outer container that covers a casket in a grave to prevent the grave from settling. A vault is usually larger and heavier than a liner and may necessitate a larger grave opening.

Enc Ord 459 January 2, 2019, Amended Ord 464 July 17, 2019

**11.02.020 Established**

1. A cemetery known as Mountain View Cemetery was established by a private corporation in the year 1888. The Mountain View Cemetery Corporation acquired property and administered the cemetery pursuant to its corporate purposes until November 6, 1920 at which time the property was conveyed to the City of Dillon who assumed duties of care and maintenance and acquired additional property for Mountain View Cemetery. Since November 6, 1920, City of Dillon has administered and operated the cemetery in its capacity as a municipal corporation.
2. On November 6, 1962, the electorate of Beaverhead County voted to create a Cemetery District for the entire county including Mountain View Cemetery and other cemeteries throughout the county. A Board of Trustees was created to disburse cemetery mill levies to the various cemeteries annually dependent upon the number of burials in each annually.
3. The City of Dillon exercises exclusive administrative and operational control of Mountain View Cemetery. Ownership and control of Mountain View Cemetery is assumed by the City of Dillon, and the same must be governed, managed and controlled as provided by this chapter.
4. A Perpetual Care and Trust Fund under control of the City of Dillon was established in 1963. Its sole purpose is for the permanent care and maintenance of Mountain View Cemetery elements. Such fund may not be invaded or utilized for other purposes and the corpus must remain intact and inviolate.

Enc Ord 459 January 2, 2019

**11.02.030 Location.**

Mountain View Cemetery is composed of 39.98 acres of land owned by the City of Dillon. It is located at 934 Sweetwater Road, Dillon, Montana in Section 20, Township 7 South, Range 8 West, Cemetery Tract in the East ½ of the East ½ of the Northeast ¼ excluding 0.5 acres of ground under ownership of Beaverhead Post 20 American Legion. Land owned, controlled, and used by the City of Dillon is for burial of human dead, together with such other tracts of land as the City of Dillon may hereafter acquire or designate for such purposes.

Enc Ord 459 January 2, 2019

**11.02.040 - Hours and Days of Operation**

(See Section 11.06.010 Interment and Inurnment Arrangements)

1. Days of Operation. Business days for Mountain View Cemetery are Monday through Friday. Interments are not permitted on Sunday, New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Friday after Thanksgiving or Christmas Day. Exceptions may be granted under extenuating circumstances. Additional fees may apply as set by resolution of the City Council after public hearing.
2. Hours of Operation. Mountain View Cemetery conducts burial services between the hours of eight-thirty (8:30) a.m. to three-thirty (3:30) p.m. The time for burial services must be arranged to allow the grave to be properly filled and all surplus ground removed before four-thirty (4:30) p.m. of the same day.
	1. Summer hours begin on the date of the start of daylight saving time in the spring of the year.
	2. Winter hours begin on the date of the end of daylight saving time in the fall of the year.
3. Overtime. Funeral homes or person(s) making burial arrangements may be charged overtime fees as follows:
	1. Weekdays. Overtime fees may be charged when the Cemetery Director or designated City representative is required to complete closing duties of graves after four-thirty (4:30) p.m. Fees are equal to Saturday morning opening and closing fees as set resolution of the City Council after public hearing.
	2. Saturdays.
		1. Morning. When the Cemetery Director or designated City representative is able to complete closing of the grave prior to Noon (12:00 p.m.), overtime fees are charged as set by resolution City Council after public hearing.
		2. Afternoon. When the Cemetery Director or designated City representative is required to complete closing of the grave after Noon (12:00 p.m.), overtime fees may be adjusted as set by resolution of the City Council after public hearing.

3. Martin Luther King Jr. Day, President’s Day, Columbus Day, Veteran’s Day or any day in which a General Election is held throughout the State of Montana:

1. Morning. When the Cemetery Director or designated City representative is able to complete closing of the grave prior to noon (12:00 p.m.), overtime fees are charged as set by resolution City Council after public hearing.
2. Afternoon. When the Cemetery Director or designated City representative is required to complete closing of the grave after Noon (12:00 p.m.), overtime fees may be adjusted as set by resolution of the City Council after public hearing.

Enc Ord 459 January 2, 2019

**11.02.050 Fees**

1. Fees. Interment fees, disinterment fees, right to inter fees, and all other fees for Mountain View Cemetery are set by resolution of the City Council after public hearing. A list of fees is available at the City of Dillon offices.
2. Payment. Procedures for receipting and handling of funds must be followed as prescribed by the City of Dillon Finance Committee
3. Pre-need. Pre-payment of interment fees may be accepted as provided in this ordinance and as authorized by the City of Dillon Finance Committee. Pre-need may be reimbursed at full purchase price.
4. Donation. The City of Dillon may donate Cemetery fees associated with interment of infants in the Infant Section only. Donated fees may include Opening and Closing fees and lot fees. Donated fees are subject to forfeiture if burials occur after regular business hours. Fees and requirements may be assessed per this Municipal Code and fee schedule set by resolution of the City Council after public hearing.

Enc Ord 459 January 2, 2019

**11.02.060 Cemetery Director**

1. The Cemetery Director is responsible for general care, maintenance, and improvement of cemetery grounds, opening and closing graves, Columbarium Niches and installation of memorial wall plaques.
2. The Cemetery Director is authorized to enforce regulations as set forth in this Municipal Code and may refuse admission onto the grounds and may expel those who violate provisions of this Code or cemetery ground rules established by the Cemetery Committee and approved by the Dillon City Council.
3. When the Cemetery Director is absent for an extended period of time, the Mayor or Mayor’s designee may appoint a City representative who has the same responsibilities and enforcement authority as the Cemetery Director.

Enc Ord 459 January 2, 2019

**11.02.070 Records**

1. Register. A register of all interments, inurnments, disinterments, or memorials conducted in Mountain View Cemetery; including name, age, birthplace, date of death, date of burial, and location must be maintained. This register must be kept at the City of Dillon Offices and open to public inspection during normal business hours.
2. Sales. A listing of all sales and documents of title issued by the City of Dillon must be maintained.
3. Additional Information. The following additional information relative to interments and inurnments may be included in the cemetery register as is available:
	* 1. Personal Data. Age, sex, date of birth, date of death, date of burial, contact information for next of kin or personal representative of the estate, veteran status.
		2. Pre-needs. A current plat map system must be maintained depicting all interment locations, names of individuals interred in such locations, and names and locations of pre-paid grave spaces, cremation grave spaces, or Columbarium Niches pending their use.
		3. Fees. Burial records are to contain an itemization of all related fees, payer, type of payment tendered, and dates paid.
		4. Casket or Urn. Size and material (ceramic, wood, metal, other) of burial container. Liner or vault use and size.
		5. Location of urn or ashes must be recorded as top left, top right, top middle, middle left, middle right, middle middle, bottom left, bottom right, or bottom middle of grave.

D. Books, papers and cemetery records of Mountain View Cemetery are public record and open to the public during normal business hours as allowed by City Ordinance and State Law.

Enc Ord 459 January 2, 2019