

***.**
***.ord
00/00/00



ORDINANCE NO. 5190

AN ORDINANCE PRESCRIBING STANDARDS FOR BURIAL, INURNMENTS, DISINTERMENTS, AND MAINTENANCE OF CEMETERIES; AND ESTABLISHING THE COUNTY'S AUTHORITY AND RESPONSIBILITIES

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Sec. 8.2.015. – Purpose.

The purpose of this Ordinance is to prescribe standards governing burials, inurnments, disinterments, and maintenance of cemeteries within the County of El Dorado in accordance with Health and Safety Code Section 8115, or successor statute, and to establish the County's authority and responsibilities with respect to cemeteries within the County of El Dorado.

Sec. 8.20.020. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Active cemetery means a cemetery which has burial sites available for present and future interments.

Cemetery means any one, or combination of more than one of the following, in a place used or intended to be used and dedicated for cemetery purposes, and in which six or more human bodies are buried:

1. A burial park for earth interments.
2. A mausoleum for crypt or vault interments.
3. A crematory and columbarium for cremated remains.

Cemetery Director means the Chief Administrative Officer or his or her designee appointed to direct and supervise the operation and maintenance of cemeteries owned or managed by the County.

Columbarium means a building in which human remains are inurned above ground.

County-owned or County-managed means cemeteries in which the title is vested in the County, or for which the County acknowledges responsibility for management.

County Service Area (CSA) means a special taxing area which bears a special assessment or service charge for particular types of extended services (Zone of Benefit). El Dorado County CSA 9 includes the Georgetown Pioneer Cemetery, Renke Annex to the Pioneer Cemetery, and the Georgia Slide Cemetery.

Cremains means cremated human remains.

Crematory means a place where a dead person's body is cremated; a crematorium.

Crypt means a chamber in a mausoleum used for the above-ground placement of a casket.

Death certificate means the certificate of death as required by Chapter 5 (commencing with Section 102775) of the Health and Safety Code of the State of California.

Disinter or *disinterment* means the removal of human remains through a family request or by order of a court.

Disinterment permit means the permit issued by the Public Health Officer, or duly authorized designee, authorizing disinterment of human remains.

Disposition permit or *state burial permit* means the permit for disposition of human remains as required by Chapter 7 (commencing with Section 103050) of the Health and Safety Code of the State of California.

District cemetery means a cemetery owned and operated by a public cemetery district.

Grave or *plot* means space in a cemetery used or intended to be used for the interment of human remains. Such terms include and apply to one or more adjoining spaces.

Inactive cemetery means a cemetery which is not in use for present and future interments.

Inter and *interment* means the placement of human remains in a grave or plot.

Inurn and *inurnment* means the placement of cremains in a niche or crypt in a mausoleum, or in a grave.

Interment permit or *burial permit* means the permit issued by the Cemetery Director or duly authorized designee authorizing interment of human remains in an active publicly-owned cemetery.

Mausoleum means a building in which human remains are entombed or inurned above ground.

Niche means an above-ground burial space for cremains.

Private cemetery means a cemetery which is not available for use by the general community and in which interment may be restricted to certain persons as defined by the owner.

Public cemetery means any cemetery that is open to anyone for interment. A public cemetery may be located on a privately-owned parcel.

Publicly-owned cemetery means a cemetery which is owned by the County or a cemetery district within the County. A public cemetery may be located on a privately-owned parcel.

Uncared-for cemetery means a cemetery which is not maintained by any entity, public or private.

(Code 1997, § 8.20.020; Ord. No. 4413, 1996; Ord. No. 5051, § 3, 4-18-2017)

Sec. 8.20.030. – Maintenance.

- A. County-owned and County-managed cemeteries shall be maintained under the direction of the Cemetery Director.
- B. District cemeteries shall be maintained under the direction of the district's Board of Trustees.
- C. Private and public cemeteries shall be maintained by the owners of said cemeteries.
- D. The following general guidelines shall be followed in the maintenance of all cemeteries:
 - 1. Cemeteries shall be enclosed with fencing or a substantial border to delineate cemetery boundaries and protect gravesites.

2. All roads, streets, walkways, fences, gates and enclosures on cemetery property, as well as the grounds, shall be kept in good repair and maintained so as to provide safe, unobstructed access to the cemetery.
3. All graves, markers and monuments shall be maintained in a safe and orderly condition.
4. Vegetation and shrubbery shall be kept in a trimmed and orderly condition throughout the cemetery grounds.
5. All rubbish shall be routinely collected and removed from the cemetery grounds and containers shall be provided for use by visitors.
6. The Cemetery Director shall have the authority to waive any or impose additional maintenance requirements in particular cases in which the best interests of the public will be served.

(Code 1997, § 8.20.020)

Sec. 8.20.050. - Active cemeteries.

All cemeteries designated as active shall have available interment space properly surveyed and platted and the plat filed with the County Recorder.

(Code 1997, § 8.20.050)

Sec. 8.20.051. - Designation of categories of cemeteries.

The Cemetery Director shall prepare and maintain current a list of all known cemeteries in the County. Said list shall designate each cemetery as an active-public, inactive public, active publicly-owned, inactive publicly-owned, active private, or inactive private cemetery, whichever the case may be. Said list shall be established by resolution of the Board of Supervisors and shall be deemed to be a part hereof.

(Code 1997, § 8.20.051)

Sec. 8.20.060. - Disposition permit and death certificate.

No person or entity shall dispose of human remains unless there has first been a Death Certificate filed with the local registrar of vital statistics and a permit for disposition of remains issued from said registrar.

(Code 1997, § 8.20.060)

Sec. 8.20.061. - Disinterment permit.

No human remains shall be taken from a cemetery without first obtaining a permit from the Public Health Officer or order of the superior court for the disinterment and removal of same. Additionally, for County-owned or County-managed cemeteries, a disinterment permit must be obtained from the Cemetery Director.

(Code 1997, § 8.20.061)

Sec. 8.20.062. - Cemetery records.

All records relating to interments and disinterments shall be maintained by each cemetery's owner or manager. Said records shall be made available for viewing by members of the public upon request.

(Code 1997, § 8.20.062)

Sec. 8.20.063. - Cemetery management.

The Cemetery Director shall be responsible for the ongoing management of cemeteries owned and/or managed by the County. Individual cemetery owners shall be responsible for the ongoing management of non-County owned or non-County-managed cemeteries.

(Code 1997, § 8.20.063)

Sec. 8.20.064. - Interment in active cemeteries owned or managed by the County.

- A. No person shall be entitled to burial space or interment in an active County-owned cemetery, under the direction and care of the Cemetery Director, without first complying with all of the following:
 - 1. All applicable provisions contained in this chapter, the rules and regulations of the individual cemetery, and the provisions of State law.
 - 2. Securing of a County interment permit issued by the Cemetery Director. The interment permit shall contain thereon the name of the deceased, the name of the cemetery, and the location as exactly as may be stated of the grave or plot, and shall further contain any restrictions or waiver of restrictions as may be imposed by the Cemetery Director.
 - 3. Payment of any/all required fees.
- B. A County service area operating and maintaining a publicly-owned cemetery may adopt rules and regulations, and may charge fees that relate only to that cemetery.

(Code 1997, § 8.20.081)

Sec. 8.20.070. - Burial in uncared for cemeteries and outside cemeteries.

- A. Permits for burial in uncared for cemeteries may be obtained from the Cemetery Director or his or her duly authorized agent upon application by any licensed funeral director or person acting as such. Said permits will be issued during normal working hours (8:00 a.m. to 5:00 p.m., weekdays, non-holidays).

The permit shall contain, as a minimum, the following information thereon: the name of the deceased, name and location of the cemetery, location as exactly as may be stated of the grave, and shall further contain any additional restrictions or waiver of restrictions that may be imposed by the Cemetery Director. Unless otherwise stated on the permit, the permit shall be issued under the general conditions outlined in Section 8.20.080.

- B. No person shall inter or bury, or cause to be interred or buried, human remains in any location in the unincorporated area of the County without obtaining the necessary permits as required by this chapter. The Cemetery Director or his or her designee may, at his or her sole discretion, deny a permit where in his or her judgment the public health and safety dictates such action.

(Code 1997, §§ 8.20.070, 8.20.071)

Sec. 8.20.080. - Opening and closing of graves.

- A. The following guidelines will be followed in the opening and closing of graves in all - cemeteries:
 - 1. Graves shall be dug to such depth as specified in California Health and Safety Code§ 8113.1.
 - 2. A vault or liner of non-decomposable material may be used to deter earth settlement. If a vault or liner is not used, then alternatives such as mounding or other best practices shall be used to mitigate the risk of a health or safety hazard should sinking of a grave occur. Each cemetery owner may set requirements for the use of a vault or liner, or other practices, for their cemetery or cemeteries.

- B. In addition, the following guidelines will be followed in County-owned or managed cemeteries: Any permanent marker placed upon the grave shall be done in an adequate bed of concrete mixed at least three parts of gravel and three parts sand to one part of cement. The bed of concrete shall be at least four inches thick under the marker.
- C. Any leftover soil shall be formed in a mound upon the top of the grave or disposed of in an area designated by the Cemetery Director.
- D. The Cemetery Director shall have authority to waive any restrictions or impose any additional restrictions in a particular case when the best interests of the public will be served by such change.

(Code 1997, § 8.20.080)

Sec. 8.20.090. - Interment, disinterment and other fees applied to County-owned and County-managed cemeteries.

The Board of Supervisors by resolution shall establish a schedule of fees for services performed under this chapter. The list will include required fees, and shall be on file in the office of the Cemetery Director.

- A. The Cemetery Director shall have authority to require payment of any additional fees for services deemed necessary in connection with the interment or disinterment.
- B. Separate lists of fees may be established for cemeteries owned and maintained by a county service area. Said list of fees shall be filed in the office of the Cemetery Director.

(Code 1997, § 8.20.090)

Sec. 8.20.100. - Coroner fees.

- A. The fee to be charged for embalming or cremation of bodies which have been taken into custody of the County Coroner pursuant to law shall be authorized by statute or Board of Supervisors resolution. In those cases where the decedent's next of kin cannot be located within a reasonable period of time after the body has been taken into custody by the Coroner, the fee shall be authorized by statute or Board of Supervisors resolution.
- B. Whenever the Coroner takes custody of a body pursuant to law, the Coroner shall charge and collect from the person entitled to control the disposition of the body, including those specified in Health and Safety Code§ 7100, a fee of \$300.00, as authorized by Government Code§ 27472 and increased pursuant to Government Code§ 54985, for removing the body from the place of death and keeping the body until its release to the person responsible for its internment. Said fee shall not be charged in any of the following circumstances:
 - 1. The person entitled to control of the disposition of the body claims and proves to be indigent;
 - 2. The body is that of a person under the age of 14;
 - 3. The Coroner ascribes the death to the criminal act of another unless the Coroner has reasonable cause to believe that the deceased was involved in any criminal activity which contributed to his or her death; or
 - 4. The Coroner takes custody of a body over the objection of the person entitled to control its disposition and the Coroner later determines, at the Coroner's sole discretion, that it was not necessary to take custody of the body.
- C. The fee authorized by Paragraph B of this section, if not paid, shall be considered a part of the funeral expenses and paid as a preferred charge against the estate of the decedent, pursuant to Government Code§ 27472.

D. Remains will be stored in the morgue facility at no charge up to 48 hours after notification to the next of kin that remains are released for disposition. If the remains are not picked up 48 hours after notification, a storage fee of \$20.00 per day will be assessed to offset costs associated with storing the body.

(Code 1997, § 8.20.100; Ord. No. 5120, § 1, 4-14-2020)

Sec. 8.20.110. - Permit to establish or expand cemetery.

- A. No person or entity shall establish, expand or operate a cemetery, mausoleum, columbarium or crematory within the County unless the person or entity first obtains from the Board of Supervisors a permit authorizing the establishment or expansion of the cemetery, mausoleum, columbarium or crematory.
- B. A permit shall not be issued until a preliminary review and report has been made by the County's Director of Planning and Building.
- C. This section shall not affect in any way the operation of a cemetery, mausoleum, columbarium or crematory established and operating prior to or at the time of enactment of the ordinance from which this chapter is derived.

(Code 1997, § 8.20.110; Ord. No. 5051, § 2, 4-18-2017)

Sec. 8.20.120. – Hours for County-owned and County-managed cemeteries.

Public access is restricted to the hours between dawn and dusk.

(Code 2023, § 8.20.120)

Sec. 8.20.130. - Penalty for violation.

Any person, entity or corporation in violation of this chapter is guilty of a violation of this chapter and upon conviction thereof shall be punished according to the general penalties described in Chapter 1.24.

(Code 1997, § 8.20.120)

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 30th day of January, 2024, by the following vote of said Board:

ATTEST
Kim Dawson
Clerk of the Board of Supervisors

Ayes: Thomas, Hidahl, Turnboo, Parlin, Laine

Noes: None

Absent: None

By: *Kyle Kuperus*
Deputy Clerk
Kyle Kuperus

Wendy Thomas
Wendy Thomas, Chair, Board of Supervisors

By: *David Livingston*
Title: *Deputy County Counsel*

APPROVED AS TO FORM
DAVID LIVINGSTON
COUNTY COUNSEL