

TITLE 9

DIVISION 27: MAINTENANCE OF CEMETERIES

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CHAPTER 1: MAINTENANCE OF CEMETERIES

§ 92701.00	STATEMENT OF PURPOSE AND INTENT
§ 92701.01	DEFINITIONS
§ 92701.02	STANDARDS
§ 92701.03	INSPECTION AND ENFORCEMENT
§ 92701.04	SECTIONS
§ 92701.05	SEVARABILITY

§ 92701.00 STATEMENT OF PURPOSE AND INTENT

The Board of Supervisors has determined that persons who fail to maintain private, historic, public, or other cemeteries in a manner consistent with the standards set forth in this division may cause health and safety problems and bring decay, blight and nuisance to the residents and surrounding land uses of Imperial County. Furthermore, maintaining such facilities in substandard conditions may violate other federal, state or county rules and regulations, and at the very least, causes grief to families who have relatives and friends interred. This division shall take effect immediately, and shall apply to all cemeteries and cemetery districts located within the unincorporated area of the County of Imperial, unless otherwise specified herein. The board of supervisors has further determined that imposing fines and penalties, and/or causing maintenance to be performed and an assessment applied upon persons who fail to meet these standards will serve to deter such persons from creating this nuisance.

§ 92701.01 DEFINITIONS

- A. Unless otherwise stated herein, the terms used in this division shall have same meaning as stated within Division 14 of Title 9."Cemetery", as used in this division, has the same definition as in Section 91401.02 of these ordinances that has endowment care funding pursuant to Health and Safety Code Section 8725.
- B. "Enforcement officer", as used in this division, means persons designated by the director of planning and development services department or his or her designee to enforce the provisions of this chapter.
- C. "Local enforcement entities", as used in this division, means any city, county, or city and county in this state.

§ 92701.02 STANDARDS

All cemetery properties subject to this division shall be landscaped, maintained and improved in a manner meeting the standards set forth herein. Failure to meet any one or all of those standards may be considered to be a violation of this ordinance.

A. **Ground Cover Maintenance**

1. Minimum Ground Cover for Travel Surfaces and Parking Lots

- (a) All travel surfaces shall be clearly defined and surfaced with an all weather surface which, at a minimum, shall be Class II base compacted and graded and periodically treated to minimize dust.

- (b) All parking lots or similar areas shall be surfaced as in subsection (A)(1)(a) of this section.
2. **Minimum Ground Cover for Gravesites.**
    - a. Gravesites located outside of a County indigent burial section shall be covered with an approved permanent ground cover. Approved ground cover shall be any of the following:
      - i. Grass;
      - ii. Solid marble slate;
      - iii. Shrubs; and/or
      - iv. Such other material deemed acceptable by the Director of Planning and Development Services.
    - b. Gravesites located within a County indigent burial section shall be covered with a ground covered deemed acceptable to the Director of Planning and Development Services. Such ground cover shall, at a minimum, be sufficient to reduce potential dust emissions and ensure interred remains do not become exposed.
  3. **Minimum Ground Cover For Other Areas.**
    - a. All other cemetery areas not otherwise specified herein that are not located within a County indigent burial section or an undeveloped section of a cemetery shall be developed and maintained with an approved ground cover, which shall be any of the following:
      - i. Grass;
      - ii. Sand, gravel or similar material, provided it is installed and maintained in an aesthetic design, as determined by the Director of Planning and Development Services; and/or
      - iii. Such other material deemed acceptable by the Director of Planning and Development Services.
    - b. Other cemetery areas not otherwise specified herein that are located within a County indigent burial section or an undeveloped section of a cemetery shall be covered with a ground covered deemed acceptable to the Director of Planning and Development Services. Such ground cover shall, at a minimum, be sufficient to reduce potential dust emissions.
  4. **Markers, Monuments, and Other Identifiers.** All gravesites shall be mapped in blocks and plots in accordance with Division 8 of the California Health and Safety Code and the California Professional Land Surveyor's Act.
    - a. Every cemetery shall be responsible for placing physical markers delineating the blocks and plots of each gravesite located with the cemetery. Markers shall be placed as soon as possible, but not less than thirty (30) days after the interment of remains on a gravesite requiring delineation.
    - b. Monuments, plaques, headstones, and other identifiers may also be placed on gravesites in accordance with Division 8 of the California Health and Safety Code, and any applicable cemetery district rules or policies.
    - c. All markers, monuments, plaques, headstones, and other identifiers shall be of a material that is durable, weather resistant, of sufficient weight to deter removal with ease, and be aesthetically designed.
  5. **Plants/Trees.**
    - a. Every cemetery shall have a minimum of five (5) trees per acre. These trees shall be a minimum of fifteen (15) gallons when planted and shall be replaced immediately when dead.

- b. Every new cemetery shall plant and maintain a minimum of one tree for every thirty (30) feet along the front of the property.
  - c. Existing cemeteries shall plant and maintain a minimum of one tree for every thirty (30) feet along the front of the property, unless an existing cemetery can provide evidence deemed sufficient by the Director of Planning and Development Services that there is insufficient space between the front of the property and the interment plots to do so.
6. Fences, Walls and Other Ornamental Features.
- a. For new cemeteries and expansion areas of existing cemeteries, all fences, gates, and walls shall be constructed of approved materials, such as masonry, wrought iron or other approved metallics. Chain link may only be used for side or rear boundaries, and shall be commercial grade and coated with a green or black finish.
  - b. Existing cemeteries may utilize the fencing, gate, and wall materials specified in subsection A(6)(a). In addition, existing cemeteries may utilize existing fencing, shrubs, trees, and other natural barriers if deemed acceptable by the Director of Planning and Development Services.
7. Maintenance. Cemeteries shall be fully maintained at all times. This shall include the removal of all trash, weeds, and nonused materials. The ground cover shall be trimmed, mowed or otherwise cleaned on a routine basis. All trees or shrubs shall be trimmed or pruned regularly.

**§ 92701.03 INSPECTION AND ENFORCEMENT**

- A. Authority to Inspect: Upon the presentation of proper credentials, the enforcement officer, or designee, is authorized to enter upon any property or premises to ascertain whether pertinent county ordinances and applicable state laws are being obeyed. The enforcement officer may make any examinations or surveys as are necessary to perform the enforcement officer's responsibilities. The enforcement officer may take photographs, samples or other physical evidence. If an owner, occupant, lessee, or agent refuses permission to enter or inspect, the enforcement officer may seek an administrative inspection warrant pursuant to California Code of Civil Procedure, Section 1822.50 et seq.
- B. Citations: The enforcement officer or designee(s) have the authority pursuant to Section 1.12.020 of the Codified Ordinances of the County of Imperial to issue citations against any person, firm or corporation that is in violation of any provision of this title and/or any section, article or regulation of the adopted codes, and may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.  
  
The citation shall be issued only by duly qualified personnel and upon the format approved by the courts.
- C. Citation procedures: The enforcement officer, or designee(s), is authorized to issue notices to appear in court as prescribed by Chapter 5(c) of Title 5, Part 2 of the Penal Code, commencing with Section 853.5. If a violator to whom a notice is given fails to give his or her promise to appear, the enforcement officer shall request the assistance of a peace officer to take the individual into custody or shall refer the notice to appear to the District Attorney.

**§ 92701.04 PENALTIES:**

- A. It is unlawful to fail to maintain a cemetery at a level less than those standards set forth in this division and/or any other part of Title 9.
- B. Violations of this division are subject to enforcement action as specified in Division 13 of this title.

- C. Any person violating this Title is guilty of a misdemeanor. Each day that the cemetery remains out of compliance with Section 92701.02, in violation of this section remains a separate violation.

**§ 92701.05 SEVARABILITY**

If any provision of this chapter is found to be to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

**Section 2.** This Ordinance shall take effect and be in force immediately upon its passage. A summary hereof shall be published once with the names of the members of this Board voting for and against it in a newspaper of general circulation published in the County of Imperial.