

ORDINANCE NO. 235

AN ORDINANCE OF THE CITY OF CLARK FORK, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE ADMINISTRATION AND CARE OF THE CLARK FORK CEMETERY, ESTABLISHING REQUIREMENTS FOR THE SALE AND USE OF PLOTS THEREIN, AUTHORIZING ESTABLISHMENT OF REGULATIONS BY RESOLUTION, PROVIDING PENALTIES FOR VIOLATION, PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS, AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of Clark Fork as follows:

SECTION 1. ADMINISTRATION AND CARE

- A. The Clark Fork Cemetery, hereinafter referred to as the Cemetery, owned by the City of Clark Fork, shall be managed and administered by the City staff and/or an appointed Director subject to budget and policy decisions made by the Mayor and City Council.
- B. The City staff and/or the appointed Cemetery Director are authorized to oversee and be responsible for enforcement of any regulations adopted with respect to said cemetery. The City staff and/or the Director is hereby authorized to take such actions as may be necessary, including soliciting the cooperation of any individual(s) to maintain order upon the premises of said cemetery. The City staff and/or the Cemetery Director or any other City official shall have the authority to expel from the cemetery grounds any person who violates rules established for the cemetery or who otherwise disturbs the peaceful nature of the cemetery grounds.
- C. No plot marker shall maliciously be removed from its location in the cemetery. If accidentally removed, it shall be given to a City staff person or to the Cemetery Director as soon as possible.
- D. Trees and other obstructions may be removed at the discretion of the City staff and/or the Cemetery Director.

SECTION 2. SALE AND USE OF CEMETERY PLOTS

- A. The purchase and use of all plots shall be in conformance with any regulations adopted by resolution of the City Council and in compliance with applicable State and Federal law.
- B. No plot shall be used for any purpose other than the burial of human dead. After the passage of this ordinance, only the record owner or the person for whom the lot was designated at the time of purchase may be buried in a plot in the cemetery.

- C. The price of individual plots shall be as established by resolution of the Clark Fork City Council. A copy of such resolution shall be maintained in the office of the Clark Fork City Clerk. All sales of plots shall be by cash or equivalent negotiable instrument and payment must be made prior to any burial. In the event of dishonor of any negotiable instrument, any sales transaction or certificate shall be void unless a burial has already occurred.
  - D. No conveyance of any plot shall be valid unless duly executed by the City Clerk.
  - E. Only individuals designated by the City staff and/or Cemetery Director may dig graves in the cemetery. Opening and closing costs must be paid before the grave is dug. Opening and closing costs will be charged at the contractor's going rate.
  - F. Plots in the Pioneer Area (Sections 3, 4 & 5) will be sold on an "as needed" basis only under the same terms and conditions applicable to all other Sections of the Clark Fork Cemetery. At the time of the sale a plot may also be purchased for the surviving spouse.
  - G. If a purchased plot in Sections 3, 4 or 5 is inadvertently found to be an old unmarked grave site, it will be exchanged for an unsold plot.
  - H. If a purchased plot is needed for burial but is inaccessible in the winter, it may be exchanged for another unsold plot that is accessible.
  - I. Only residents of the Clark Fork or Lakeview voting precincts, their immediate family members, and former residents may purchase cemetery plots in the Clark Fork Cemetery. Immediate family is described as spouse, children and parents of record owner.
  - J. Only one (1) casket burial and two (2) urn burials, or three (3) urn burials with no casket burial, will be allowed per 5'x10' plot.
  - K. Plots smaller than 5'x10' will be for urn burials only.
  - L. Plots purchased and no longer wanted by the purchaser shall be sold back to the City of Clark Fork at the same price paid by the purchaser.
  - M. Only flat headstones set flush with the ground will be allowed in Section Six. Headstones shall be solid granite or bronze, or granite or bronze with a concrete border of at least 4", and must fit the following dimensions:
    - Single Headstone: 20" wide x 32" long
    - Double Headstone: 20" wide x 44" long
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SECTION 3. ESTABLISHMENT OF REGULATIONS

The City Council, taking into account any recommendations, is hereby authorized to establish regulations for operation of the cemetery, establishing, without limitation by enumeration: procedures concerning interment, disinterment, or removal; use of cemetery plots; charges for specific services; provision of grave liners; standards for grave marking and fencing; monument and marker restrictions; restrictions on planting flowers and shrubs; and such other regulations as may be necessary for orderly and efficient cemetery maintenance and improvement.

SECTION 4. PENALTY FOR VIOLATION

The requirements established by this ordinance and the regulations established by resolution authorized pursuant to this ordinance may be enforced by any City officer. Violation of the provisions of this ordinance or regulations adopted pursuant thereto shall be subject to misdemeanor criminal penalties including a fine of up to \$300 per day and incarceration for up to six (6) months for each violation. Each day of noncompliance may be considered a separate violation. Additionally, violations which result in additional costs to the City shall be subject to reimbursement of all such costs, which costs may be pursued by civil legal action if not paid upon demand.

SECTION 5. REPEAL OF CONFLICTING PROVISIONS

Any ordinance(s) of the City of Clark Fork that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE

This ordinance shall be in full force and effect upon its passage and publication as provided by law.

APPROVED as an ordinance of the City of Clark Fork, Idaho the 8<sup>th</sup> day of September, 2003.

Thomas A. Shields  
Thomas A. Shields, Mayor of Clark Fork

CITY COUNCIL MEMBERS	YES	NO	ABSENT	ABSTAIN
Dawn Hughes	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Georgia Schenck	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Lynn Sipie	<u>      </u>	<u>      </u>	<u>✓</u>	<u>      </u>
Marlene Syth	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>

Attest: Elizabeth Parenti  
Elizabeth Parenti, City Clerk

CHARLES M. SHAW  
(UNPLATTED)

N 28° 27' 19" W 265.75'  
(N 28° 15' W 266.39)

Section 4

McQuinn Dr

SECTION ONE  
OLD CEMETERY-UNPLATTED

Section 3

Section Two

SECTION TWO  
PREVIOUSLY PLATTED AREA

S 50° 45' W 550.53'  
(S 50° 47' 01" W 553.74')

McQuinn Run

(N 50° 40' 17" E 550.18'  
(N 50° 45' E 550.53')

PAUL TALLMAN  
(UNPLATTED)

4/96  
Survey Map

S 40° 46' 51" E 100.29'  
(S 39° 15' E 100.0)

S 6° 10' E 02.39'

EAST 101.13  
(EAST 101.20)

Cemetery Rd

SECTION SIX

BLOCK ONE

BLOCK TWO

BLOCK THREE

BLOCK FOUR

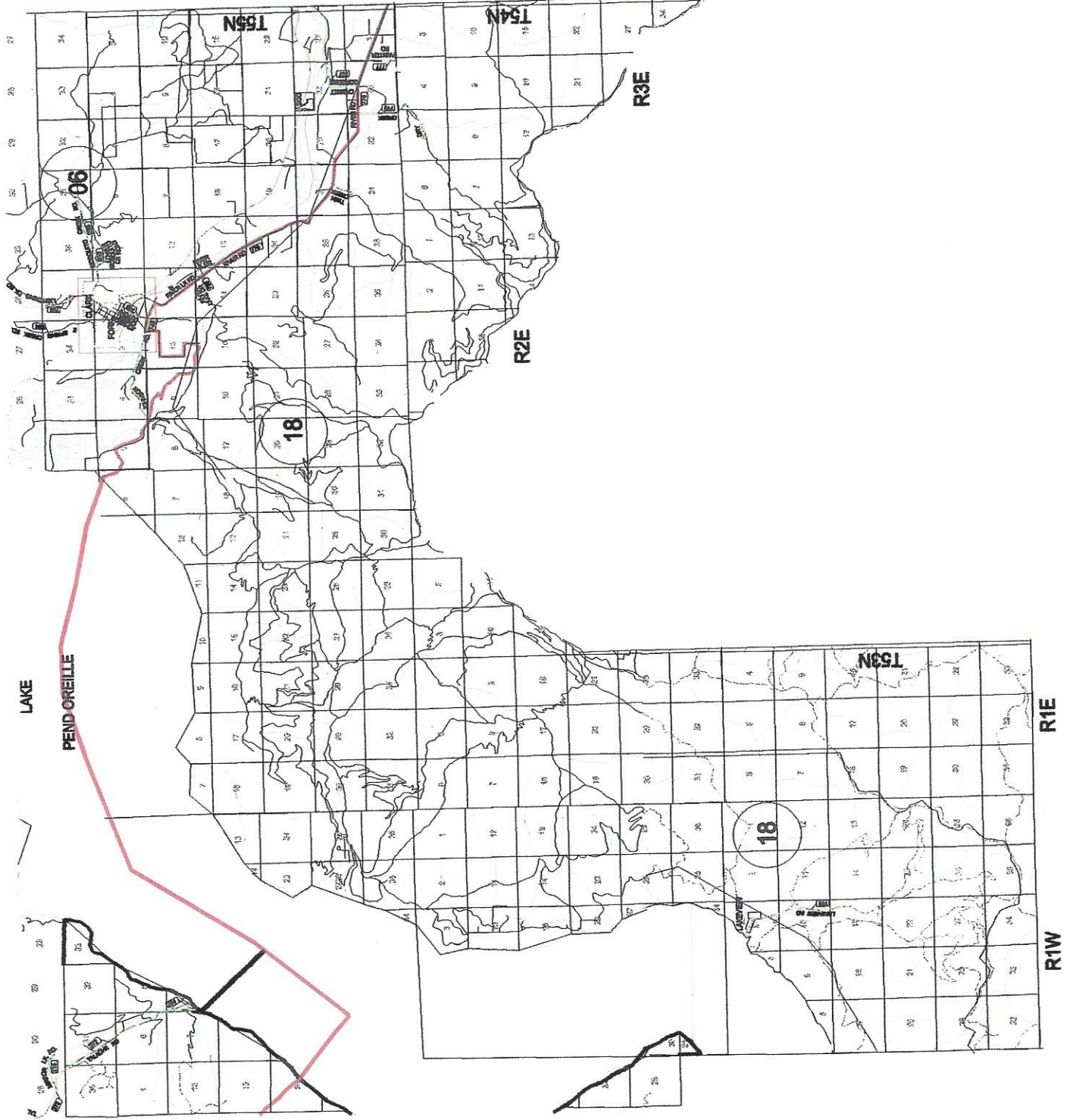
S 39° 18' 08" E 262.28'  
(S 39° 15' E 261.50)

PAUL TALLMAN  
(UNPLATTED)

PAUL TALLMAN  
(UNPLATTED)



06 CLARK FORK  
18 LAKE SN



SUMMARY OF CLARK FORK CEMETERY ORDINANCE NO. 235

The City of Clark Fork, Idaho hereby gives notice of the adoption of Clark Fork Ordinance No. 235, an ordinance of the City of Clark Fork, Idaho, a municipal corporation of the State of Idaho, providing for the administration and care of the Clark Fork Cemetery; establishing requirements for the sale and use of plots therein; authorizing establishment of regulations by resolution; providing that a violation is a misdemeanor punishable by a three hundred dollar (\$300.00) fine, or six (6) months in jail, or both; providing for repeal of conflicting ordinances; and providing that the ordinance shall be effective following its passage and publication according to law. The full text of Ordinance No. 235 may be obtained in the City Clerk's office located behind City Hall, 110 E. 3rd Ave., Clark Fork, Idaho between 8:00 a.m. and 12:00 noon weekdays.

Elizabeth Parenti  
City Clerk

Publish once in the Bonner County Daily Bee, the City's official newspaper.

### STATEMENT OF LEGAL ADVISER

I, Nancy Stricklin, am a legal adviser for the city of Clark Fork, Idaho. I have examined the attached summary of Clark Fork Ordinance No. 235, Cemetery Ordinance and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

  
\_\_\_\_\_  
Nancy Stricklin, Lawyer

Date 9/25/03

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Jones

being first duly sworn on oath

deposes and says that he/she is

BOOKKEEPER

of the Bonner County Daily Bee, a newspaper printed and published at Sandpoint, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

Ord. # 235

as it was published in the regular and entire issue of the

said paper for a period of 1 day consecutive weeks,

commencing on 28 day of Oct., 2003

and ending on the 28 day of Oct., 2003

and that said notice was published in said newspaper.

On this 28 day of Oct. in the year

of 2003, before me, a Notary Public, personally

appeared Sherilyn Jones

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, declared that the statements therein are

true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

My Commission expires:

8/06

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CEMETERY ORDINANCE  
NO. 235**

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Elizabeth Parenti  
City Clerk

Legal SNP 4741  
October 28, 2003

4741