

REGULATIONS FOR BARTON COUNTY OWNED AND OPERATED MEMORIAL PARKS AND CEMETERIES

WHEREAS, the Board of County Commissioners of Barton County, Kansas, were conveyed certain memorial parks following the failure of the original operating companies; and

WHEREAS, the Board of County Commissioners of Barton County has legal, moral and financial obligations to maintain and manage these memorial parks in a manner that meets the requirements of Kansas statutes.

WHEREAS, the facilities shall be called Hillcrest Memorial Park, Hillcrest North Cemetery, Golden Belt Memorial Park, and Golden Belt Veterans Circle.

WHEREAS, it is in the best interest of the County to adopt regulations allowing for the maintenance, operation, and provide citizens with comprehensive management guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, pursuant to K.S.A. 19-101, et seq. the following operating regulations for Barton County owned and operated memorial parks and cemeteries are hereby adopted:

SECTION 1.           **DEFINITIONS**

SECTION 1.1           The term "memorial park" shall be defined as: a cemetery with a park-like setting that allows for ease in maintenance, allowing only stones ground level.

SECTION 1.2           The term "cemetery" shall be defined as: that part of the Barton County Memorial Parks allowing up right stone.

SECTION 1.3           The term "owner" shall be defined as: the owner of rights of interment or inurnment.

SECTION 1.4           The term "interment" shall be defined as: the burial of human remains with approved casket and vault.

SECTION 1.5           The term "inurnment" shall be defined as: the burial of human cremains with approved urn and vault.

SECTION 1.6           The term "memorial" shall be defined as: any flat marker, structure, stone, or other type of permanent identifier upon or in any space(s) placed for identification in memory of the interred or inurned and level with ground. Additionally, any permanent adornments, such as vases, shall be retractable. All language herein reference

permanent markers shall be conferred to mean "memorial" as defined in this Section.

SECTION 1.7 The term "perpetual care" shall be defined as: regular maintenance of the grounds and as stated in Section 4.1.

SECTION 2. **RECORDS**

SECTION 2.1 The Barton County Register of Deeds shall keep the records showing grave owners, interments, inurnments and disinterment's. The location of all graves shall be shown by plats and by a system of recorded measurements from fixed landmarks.

SECTION 3. **SALE AND PURCHASE**

SECTION 3.1 Spaces in Hillcrest Memorial Park, Golden Belt Memorial Park and Hillcrest North Cemetery may be purchased for the price of Three Hundred Fifty Dollars (\$350.00) each.

A space may be purchased in Golden Belt Veterans' Circle for the veterans' spouse for Three Hundred Fifty Dollars (\$350.00).

Spaces for all County owned Memorial Parks and Cemeteries shall be purchased at the Barton County Register of Deeds Office.

SECTION 3.2 Upon payment, and completion of the deed, the owner will be assessed a recording fee. The deed will be recorded in the Barton County Register of Deed's Office.

SECTION 3.3 Barton County will not buy back previously sold spaces.

SECTION 3.4 Owners shall notify the Barton County Register of Deeds Office of any changes in address. In the case of the death of the lot owner, it shall be the duty of the heirs or assigns to provide Barton County Register of Deeds with satisfactory proof of the new ownership. Transfers are subject to a recording fee and a Ten Dollar (\$10.00) transfer fee, except when transferred lot back to Barton County.

SECTION 3.5 Fees, as defined within this section, shall be established by the Kansas State statutes and governed by the Barton County Register of Deeds.

SECTION 4. **PERPETUAL AND GENERAL CARE**

SECTION 4.1 General maintenance will include cutting of the grass at reasonable intervals; cleaning of the area; pruning of the shrubs or trees; and such other work as may be necessary to keep the area in good and neat condition; meaning and intending for this work to be perpetual.

In addition, Barton County binds itself to keep in good condition drives, walkways and borders within the cemeteries.

SECTION 4.2 Barton County does not bind itself to maintain, repair or replace any memorial structures or upright stone erected upon the graves therein or any other special or unusual work.

SECTION 4.3 Barton County will use constant care regarding trees, shrubs or flowering plants as decorate the Barton County Memorial Parks and Cemeteries, but it expressly disclaims all responsibility for damage either to person or property resulting from falling trees or parts of trees. No person shall trim or prune or remove any branches from any tree in the Memorial Parks or Cemeteries. If any tree, shrub, vine or plant becomes unsightly, the County shall have the right to remove the same, or such part thereof, as may be deemed necessary.

SECTION 4.4 No planting of any kind shall be allowed by any individual(s) other than Barton County employees. Plants interfere with the proper care of lots and graves. Objectionable plants will be removed immediately by Barton County employees. Sod, soil or fertilizers must not be brought into or be removed from the Memorial Parks.

SECTION 4.5 Monuments and/or upright markers are allowed only in the Hillcrest North Cemetery.

SECTION 5. **INTERMENTS AND INURNMENTS**

SECTION 5.1 Fiberglass, wooden or other biodegradable vaults are not authorized. Vaults for remains and cremains shall be constructed either with concrete, steel, or of cultured marble.

SECTION 5.2 The interment of two full burials in one grave shall not be allowed. The interment of two cremains may be interred on one space. No interment other than that of a human shall be permitted. All interments or inurnments must be placed into a permanent vault.

SECTION 5.3 Lot owners, or an agent for the owner, requesting graves be marked for opening, must contact the Register of Deeds Office, and pay the appropriate fee, at least 48 hours in advance of the opening. Only County approved contractors will be allowed to open graves.

SECTION 5.4 Spaces will not be located on Saturdays, Sundays or Holidays except in emergency cases.

SECTION 5.5 Any person, firm or corporation requesting a grave be marked for disinterment shall contact Barton County Register of Deeds Office, and pay the appropriate fee, at least 48 hours in advance of the

disinterment. No disinterment will be allowed without approval from the County. All disinterment shall be recorded with the Barton County Register of Deeds Office.

**SECTION 5.6**

Grave digging contractors shall notify the Road and Bridge Department between the hours of 8:00 A.M. and 4:00 P. M. the day digging is to be performed. This will ensure proper care is taken in the work performed. Additionally, County staff may inspect the operation.

- A. All open graves shall be properly covered with plywood or wooden planks to avoid the opening from becoming a hazard. The open graves shall be covered until such time as the Funeral Service personnel arrive. Further, if a grave is left open overnight, said grave shall be securely covered with appropriate planking or plywood covering.
- B. All dirt excavated from the gravesite shall be removed from the site and not left piled on the ground to cover adjoining graves and possibly destroy existing vegetation. Dirt shall be removed and then returned to the site for burial. The only exception shall be if the soil is too wet to remove without creating more damage to the site. Such exceptions shall be determined on a case-by-case basis and must be approved by Barton County staff.
- C. After interment of the vault, sand provided by Barton County, shall be placed in the burial site to the top of the vault and properly tamped on all sides to prevent gravesite settling. The remaining dirt fill shall be properly tamped and raked to prevent settling of the gravesite. All sod removed during digging shall be neatly placed over the excavated area for regrowth.
- D. All graves are to be immediately filled after the removal of the Funeral Service equipment. If not, the graves shall be attended until properly filled.
- E. The funeral home, mortuary or other entity in charge of burial shall ensure that the lid of the vault is placed on the vault promptly after the burial and will not leave an open vault unattended.
- F. Prior to digging a gravesite, the existing sod shall be removed for reuse at each site disturbed. This may require cutting or spading. Barton County will reseed open areas where sod is not available.

- G. All care shall be taken to maintain the integrity of other monuments, plots and turf during the grave digging process.
- H. All care shall be taken by the grave digging contractor to avoid future grave settling and to repair settled graves as notified.
- I. Barton County may, at its discretion, restrict grave digging contractors, mortuaries, funeral homes or their contractors from working at all Barton County owned and operated Memorial Parks and Cemeteries for violations of these Regulations.

**SECTION 6. MEMORIAL MARKERS**

SECTION 6.1 Any person, firm or corporation wishing to set a memorial marker shall contact the Barton County Register of Deeds Office, and pay the appropriate fee, at least 48 hours in advance of the marker setting.

SECTION 6.2 The setting of memorials shall be subject to the supervision and control of Barton County.

SECTION 6.3 All foundations shall be built of solid marble, granite or concrete. The foundation shall be finished smoothly with a trowel. Foundations shall be no higher than the level of the ground. Foundations shall be installed prior to a memorial marker being placed. The base shall be set on a firm compacted earth base. Additionally, there shall be a minimum of two (2) inches of compacted sand to prevent settling.

SECTION 6.4 For a single lot, memorial markers shall not exceed eighteen (18) inches wide and forty-two (42) inches long, these measurements being inclusive of the cement border or foundation around the marker. If several adjacent plots are owned by the same person and or family, markers may be used across the adjacent lots, in whole or in part.  
A marker for two (2) adjacent plots would be permitted to have dimensions of eighteen (18) inches wide and eighty-four (84) inches long.

A marker for 3 adjacent plots could be eighteen (18) inches wide and one hundred twenty-six (126) inches long, etc.

Additionally, no plastic or wood markers are permitted. A temporary marker may be permitted for up to thirty-six months after the burial. It shall be the responsibility of the family of the decedent to erect a permanent monument within thirty-six months of the date of burial.

The funeral home assisting the family during interment shall be responsible for informing the family of this requirement. Temporary markers may, at Barton County's discretion, be removed after thirty-six months or, at Barton County's discretion, may be placed in a concrete base.

- SECTION 6.5      Memorials shall be set at the head of the grave ~~and~~ at the lot line. Memorials shall be set at ground level, in the center of the foundation. If a memorial footstone provided by a military or fraternal organization is desired, it shall be placed at the foot of the grave at the lot line. In addition, only one memorial shall be allowed per space. Inscriptions shall read from the front of the lot. No monument, memorial, or other structure, including any cement or other base, shall ever be erected on the property that extends above the surface of the ground.
- SECTION 6.6      Any permanent adornment to a memorial, such as a vase, shall be retractable.
- SECTION 6.7      Each lot owner shall keep in good repair all memorial / monument work upon their lot (s). In case of failure to do so, Barton County may either repair or remove the memorial/monument at the owner's expense.
- SECTION 6.8      While Barton County will in all cases use every effort to protect, memorial/monuments, Barton County disclaims responsibility for any injury or damage, arising from any cause, to raised letters or projecting carving or ornament on any memorial, or monument, vase, or other structure.
- SECTION 6.9      Removal of memorials or monuments for an interment will be at the owner's expense.
- SECTION 6.10     Monument contractors shall contact the Barton County Register of Deeds Office to provide notification of the date and time they will be working in the Memorial Parks.
- SECTION 6.11     All memorials or monument contractors shall return and remove all disposable forms used in the initial setting of the monuments.
- SECTION 6.12     Barton County may remove any memorial, monument or footstone that does not comply with this Resolution. The County will make every attempt to notify the owner prior to removal. Should Barton County remove any memorial/monument or footstone as described under Section 6, the costs shall be assessed to the family of the decedent. Said memorial, monument or footstone shall be remitted to the family as well.

SECTION 6.13 Columbarium are not permitted in the Barton County Memorial Parks or Cemeteries.

SECTION 7. **SCHEDULE OF FEES**

SECTION 7.1 Setting request for Memorials, monuments or footstone markers is subject to a Twenty-Five Dollar (\$25.00) fee.

SECTION 7.2 Disinterment requests are subject to a Fifty Dollar (\$50.00) fee.

SECTION 7.3 Lot owners, or an agent for the owner, requesting location and flagging of a space for the purpose of interment or inurnment shall be charged Twenty-Five Dollars (\$25.00). The fee shall be increased to Fifty Dollars (\$50.00) for requested weekend and holiday work.

SECTION 7.4 Transfer of ownership is subject to a ten-dollar (\$10.00) transfer fee as well as a recording fee for the new deed as established by State of Kansas and the Barton County Register of Deeds, except when transferred to Barton County for zero consideration.

SECTION 8. **MISCELLANEOUS**

SECTION 8.1 Fences, coping, hedges or other enclosures around or within spaces, lots or graves will not be allowed. Objects placed on or in any space, lot or grave is deemed, improper, injurious and violates Barton County policy will be removed without notice. Digging of holes for any purpose is strictly prohibited.

SECTION 8.2 Wood, iron or other crosses, metal wreaths, baskets, boxes, or miscellaneous objects shall not be left upon any space, lot or grave. One official metallic tablet is permitted for those who have served in the military or naval forces of the United States of America. Barton County will not be responsible for loss or damage to any portable articles left upon any lot, grave or other part of the cemeteries.

SECTION 8.3 Funeral designs; floral pieces and other ornamental items will be removed as soon as they become unsightly. All decorations may be placed on graves seven (7) days prior to and shall be removed from the site seven (7) days after, Easter, Mother's Day, Memorial Day, Father's Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving and Christmas. Notice will not be given, and employees will not attempt to find items after being so removed. Additionally, Barton County will not be responsible for the loss of or damage to any appropriate, ornamental items left on any lot, grave or other part of the memorial parks or cemeteries during the listed holiday periods.

SECTION 8.4 The right to alter or change the trees, shrubs, walkways, drives or unsold lots is reserved to Barton County.

SECTION 8.5 The bringing of casual or irresponsible workmen into the cemeteries is undesirable and Barton County reserves the right to supervise and control them while in the cemeteries.

SECTION 8.6 Barton County may take such action deemed necessary, to protect the property of spaces, lot and grave owners from injury, to preserve peace and good order, or to prevent injury to the appearance of the spaces, lots and graves, grounds and buildings.

SECTION 8.7 Barton County will take every reasonable precaution to protect all private property or space, lot and grave owner's property in the cemeteries from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control; especially, the act of thieves, vandals, and mischief makers; from all acts of providence, including especially high winds, tornadoes, hail, snow and frost, whether the damage be direct or collateral.

SECTION 8.8 Barton County may, at its discretion, hire a sexton. The sexton shall have the responsibility to manage the Memorial Parks and Cemeteries as set forth in this Resolution and in the sexton's job description. The Commission may amend both from time to time.

In the absence of a sexton, Barton County Road and Bridge Department shall be responsible for the daily management and maintenance of the Memorial Parks and Cemeteries.

Barton County Register of Deeds office shall be responsible for the record keeping of the Memorial Parks and Cemeteries.

Barton County Commission, or a designee, shall have the ultimate responsibility for management and maintenance of the Memorial Parks and Cemeteries and for the implementation, interpretation and enforcement of this Resolution.

SECTION 8.9 The flag of the United States of America shall be flown while a burial is taking place.

SECTION 8.10 The Memorial Parks and Cemeteries are intended to provide a peaceful and respectful environment for visitors to the parks. Recreational activities inconsistent with this intent are not permitted.

SECTION 8.11 This Resolution is being adopted pursuant to County home-rule power and K.S.A. 19-101d. Violations of this Resolution by any person shall be punishable as a Class B Misdemeanor with penalties for each separate offense by a term of confinement in the Barton County Detention Facility not to exceed six months and \ or a fine in



an amount not to exceed One Thousand Dollars (\$1,000.00). Any person who aids, assists or abets another in violating the provisions of this Resolution will be deemed to have committed a violation of the Resolution.

SECTION 8.12 As authorized by K.S.A. 19-101d, the County may request the court enjoin violations of this Resolution.

SECTION 8.13 The County reserves the right to amend the operating regulations, as described herein, after proper notice to the public, including all operational charges. Additionally, shall any section of this Resolution be deemed to be invalid, that portion alone shall be stricken and will not affect the validity of the remaining portions of the Resolution.

SECTION 9. **GOLDEN BELT VETERANS' CIRCLE**

SECTION 9.1 Only honorably discharged veterans and the veterans' spouse may be interred in the Golden Belt Veterans' Circle. A veteran and spouse may hold no more than two lots in the Golden Belt Veterans' Circle.

To be eligible to receive a free burial lot, the veteran must:

Have been a resident of Barton County at the time of death or have been a resident of Barton County at some time in his/her lifetime.

The veteran or a family member must provide proof of honorable discharge, in the form of a properly authenticated DD 214.

SECTION 9.2 The veteran and/or family is responsible for all costs of a burial and for the cost of a memorial as permitted in Section 2.4.

SECTION 9.3 Sections 2 through 9, as included in the Regulations for Barton County owned and operated Memorial Parks and Cemetery, shall apply to the Golden Belt Veterans' Circle, in addition to the supplements as contained above.

SECTION 9.4 In honor of veterans who are or have been residents of Barton County, the Barton County Commissioners have established the Golden Belt Veterans' Circle. This Memorial is intended to honor all veterans, including Merchant Marine who have served in the Armed Forces of the United States.

SECTION 9.5 To further honor Barton County veterans, the Barton County Commissioners have authorized placement of memorial stones on which names of veterans may be engraved.

SECTION 10. **HILLCREST NORTH CEMETERY**

SECTION 10.1 The Hillcrest North Cemetery shall be that land in the north 445 feet of the Hillcrest Memorial Park and located north of a 20-foot service road.

SECTION 10.2 Monuments are allowed in the Hillcrest Cemetery North. Monuments shall be constructed of bronze or granite.

Military markers shall be placed on a concrete base whether used as a head stone or footstone.

SECTION 10.3 A marker permit shall be obtained from the Barton County Register of Deeds office prior to setting any monument.

SECTION 10.4 Burial lots in the Hillcrest North Cemetery shall be 4' X 10'. The cost of each lot is set at Three Hundred Fifty Dollars (\$350.00).

SECTION 10.5 Monuments shall not exceed 16" W X 36" H. Said monuments may be erected in the following configurations:

One Lot	48" in length
Two Lots	96" in length
Three Lots	134" in length
Four Lots	192" in length

SECTION 10.6 Barton County shall not be liable to damage to any erect monument.

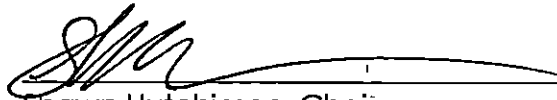
SECTION 10.7 Sections 2 through 9, excluding Section 3.1 and the whole of Section 6, as included in the Regulations for Barton County Owned and Operated Memorial Parks and Cemetery, shall apply to the Hillcrest North Cemetery, as well as the supplements as contained above.

FURTHER, that Resolution 2022-08 rescinds Resolution 2015-21, Regulations for Barton County Owned and Operated Memorial Parks and Cemetery and Rescinding Resolution 2014-16, Same, Adopted October 6, 2014.

FURTHER, that this Resolution shall become effective upon publication in the official County newspaper.

Dated this 9th day of February, 2022.

BOARD OF COUNTY COMMISSIONERS

  
Shawn Hutchinson, Chair

APPROVED VIA TEAMS

James R. Daily, Commissioner

ATTEST:



  
Bev Schmeidler  
Barton County Clerk

  
Jennifer Schartz, Commissioner

  
Barb Esfeld, Commissioner

  
Kirby Krier, Commissioner

APPROVED AS TO FORM:

  
Patrick Hoffman,  
County Counselor