

Kimshew Cemetery District Rules & Regulations

A. Definitions:

As used in these regulations the following terms shall have the following meanings:

1. "Board" shall mean the Board of Trustees of the Kimshew Cemetery District.
2. "District" shall mean the Kimshew Cemetery District.
3. "General Manager" shall mean the Managing Caretaker of the Kimshew Cemetery District.
4. "Site Owner" shall mean one who has purchased interment rights.

B. Care of Graves and Cemetery Grounds:

The absolute control of the cemetery grounds in every particular is vested in the Board; site owners and others are entitled only to such privileges within the grounds as are provided by these rules and regulations. Subject to the control of the following, shall be the rules regulating the general care of the graves and cemetery grounds.

1. No person shall plant any tree, shrub, bush, or flower on the cemetery grounds. Donations for trees are acceptable but trees will be selected and planted under the direction of the Board.
2. Flowers (fresh cut or artificial) may be placed in the vases provided in the marker foundations, or if not available, in small (6 inches max. diameter) unbreakable containers placed at the head of the grave. Not more than two vases/containers shall be permitted on any one grave. Flowers in such containers shall be removed as, in the opinion of the District personnel, they become unsightly. Unauthorized containers will be removed and disposed of by District personnel.
3. No persons shall place on any grave any items other than those authorized in the previous paragraph. Unauthorized items will be removed and disposed of by District personnel.
4. No persons shall gather flowers nor disturb growing plants or trespass on any site of which he does not hold the Interment Right.
5. Except in the excavation for the completion of an interment no person shall remove any earth or in any way damage the cemetery grounds or leave any grass, earth or rubbish of any kind thereon. Dead flowers and other rubbish must be placed in containers provided for that purpose.
6. If any tree, shrub, plant or vine situated on any site shall by reason of root, branches, height, shade or otherwise become detrimental or unsightly to adjacent sites, paths, streets or the cemetery grounds, District personnel may enter such site and remove or trim such tree, shrub, plant or vine as deemed necessary.

7. No person shall burn any combustible material within the cemetery grounds.
8. No lot or grave shall be defined by any architectural object or by any marker unless approved by the General Manager or other person authorized by the Board. Memorial markers must be made of solid industry standard granite or U.S. standard bronze. All memorial markers hereafter shall be set by District personnel, in a concrete foundation with a maximum of two flower vases set in the foundation. Only flush with the ground vases are allowed in the foundation.
9. Memorial markers size standards are set by the Board. A maximum of four memorial markers may be placed on an adult gravesite.
10. When necessary, memorial markers deemed may be moved by District personnel, to avoid any possible damage to the memorial marker. Such cases usually involve the digging of a grave in the area, removal of a large tree, or other valid reasons. When a memorial marker is moved, it will be replaced to the original location as soon as possible.
11. Animals are generally not allowed on cemetery grounds; however, any person who brings an animal onto the grounds will be responsible for cleaning up after the animal. Dogs must be on a leash.
12. Except as noted, maintenance of all cemeteries shall conform to applicable sections of Sec. 2333 of Division 23 of Title 16 of the California Code of Regulations.
13. Coutolenc and Nimshew Cemeteries, being unimproved without grass landscaping and water, any detected erosion shall be repaired and controlled.
14. Inskip and Butte Meadows pioneer cemeteries, not being active cemeteries, shall be cleaned annually, if possible.

§ 2333. Cemetery Maintenance Standards.

(a) Every endowment care cemetery shall have cemetery maintenance standards to ensure the property is kept in a condition so as to prevent the cemetery's offensive deterioration. The cemetery maintenance standards shall be in accordance with either subdivision (b) or subdivision (c) of this Section.

(b) Each endowment care cemetery shall perform, at a minimum, the following maintenance on its cemetery property:

- (1) Trim or mow grass and prune shrubs and trees in and around the cemetery. Grass shall be trimmed or mowed to a level where flat markers of individual graves can be seen.
- (2) Suppress or remove weeds on the developed cemetery property.
- (3) Provide a sufficient supply of water to keep cemetery grass and plants as green as seasonally possible in accordance with natural terrain, availability of water, and local or county ordinances regarding water use.
- (4) Repair or restore improvements, structures and fences on the property which are owned by the cemetery.

(5) Keep cemetery roads seasonally accessible and repair surfacing which presents a hazard.

(6) Keep all occupied crypts and niches properly sealed or closed.

(7) Refill or reset settled graves and markers annually, or within 120 days of the cemetery office becoming aware of the issue.

(8) Repair any grave marker, monument, or burial vault that is damaged by the negligence of the cemetery or its employees or contractors.

(9) Supply and empty trash receptacles when filled, and keep public areas of the cemetery grounds and water features clear of trash and debris.

(10) Provide clear delineation of undeveloped cemetery property with the use of signage.

(11) Control vermin and insect problems.

(c) An endowment care cemetery may establish written rules and regulations in accordance with Health and Safety Code Section 8300. At a minimum, the rules and regulations addressing maintenance of the cemetery's property shall include its lots, graves, grounds, landscaping, roads, paths, parking lots, fences,

C. Interments/Inurnments

Site owners, morticians and other authorized persons shall comply with the following regulations in the use of sites for interment purposes.

1. All graves will be dug to a depth, which allows a minimum of 18 inches of dirt placed on top of all vaults or liners of cremated remains container. All single adult graves shall be dug to a depth of five feet at the center. Infant gravesites for domed liners shall be dug to a depth of forty-eight inches at the center. Cremation sites shall be dug to a depth of twenty-four inches. Cremated remains buried in an urn vault covered with at least three quarters of an inch of concrete. Brass, marble or metal plates are exempt from this requirement.

2. A minimum container of cloth covered wood casket with handles is required for all interments in the Magalia and Stirling City cemeteries, except for cremated remains. A biodegradable container with handles and lid is required for Natural Burials allowed in the Coutolenc and Nimshew cemeteries per the Natural Burial Policy.

3. Standard vaults and liners must be used on all interments in the Magalia and Stirling City cemeteries, except for cremated remains. Natural Burials allowed in the Coutolenc and Nimshew Cemeteries do not require a liner.

4. No more than two cremated remains may be placed in an in-ground cremains site.

5. No more than two cremated remains may be placed in a cremation urn vault. Each cremains container shall not exceed the following; dimensions: length 9", width 4.5", height 9".

6. No more than four cremated remains may be placed in an adult gravesite.

7. No interment shall be made on any of the following holidays; January 1st, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

8. No grave shall be graded or mounded and the top of the grave shall be level with the surrounding lot when fully settled.

9. No services in connection with interment will be made until charges for such services as fixed by the Board have been paid in advance to the District, with the exception of Public Guardian (Administrator) or Welfare burials.

10. No Interment Right holder shall allow any interment to be made in his site for remuneration.

11. Except when ordered by a Court, disinterment will be at the discretion of the Board. When allowed, District personnel will open the grave and remove or open the vault. The District shall not be responsible for removal of the casket or for any damages to the vault casket or remains. The person or persons requesting the disinterment will be responsible for having a Licensed Mortician on site during the disinterment.

D. Fees and Charges:

1. The Board shall establish the amount to be paid by site purchasers for deposit into the Endowment Care Fund in accordance with Section 8738 of the California Health and Safety Code. Such amount paid into the endowment care fund is not refundable.
2. Non-resident fees shall be charged for interment of a person not living or paying property taxes in the District at the time of death who is eligible for burial in a cemetery of the District by Sections 9061 through 9063 of the California Health and Safety Code.

E. Legal Provisions:

In Addition to the provisions established by law for the operation of the District's cemeteries the following rules and regulations shall apply.

1. Interment in the District's cemeteries shall be limited in accordance with Section 9060 through 9063 of the California Health and Safety Code as it now exists or may be hereafter amended. For the purpose of these rules and regulations members of the family of a resident or property taxpayer of the District or former resident or property taxpayer of the District who purchased an Interment Right while resident or property taxpayer of the District are defined as any spouse, by marriage or otherwise, child or stepchild, by natural birth or adoption, parent brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by the prefix "grand" or "great", or the spouse of any of these persons.
2. Each purchaser of interment rights shall be issued a certificate of purchase. The interest acquired by such purchaser shall not be an interest in real property but shall simply be the revocable right granted to the certificate holder to use said site for interment purposes in accordance with these rules and regulations. A purchaser may make an assignment of interment rights to members of the purchaser's family as defined in the California Health and Safety Code. Said assignment may be made during the purchaser's lifetime, by will or by inheritance. Should the transfer of assignment be to a resident member they may exercise their acquired burial rights. Should they be non-resident or otherwise ineligible, they may sell their acquired rights to. If a certificate holder has no further need

for the burial rights, he may be written application to the District sell his certificate via a third party broker.

F. Liability:

The District, its Board, all individual members of said Board, the General Manager and all other personnel of the District shall not be responsible for injury or damage suffered by any persons, in their use of the cemetery grounds. Any person visiting the cemetery shall do so at his or her own risk.

G. The Board shall employ a General Manager and such other employees as it may determine to be necessary in the operation of the District.

H. All rules and regulations previously adopted inconsistent with the foregoing are hereby repealed.

I. These Rules and Regulations Shall be reviewed annually.

PASSED, APPROVED AND ADOPTED by the Board of Trustees of the KimsheW Cemetery District in regular meeting held on April 21, 2021 at its regular place of meeting.

Revised February 19, 2020

Revised April 21, 2021

Revised June 16, 2021

