

ORDINANCE NO. 160

**AN ORDINANCE FOR THE CITY OF PECK, NEZ PERCE COUNTY, IDAHO FOR
REGULATIONS FOR THE PECK CEMETERY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, The City of Peck operates the Peck Cemetery; and

WHEREAS, Provisions are necessary for the implementation of the policies and practices for the operation of the Cemetery; and

NOW THEREFORE, be it ordained by and the City Council for the City of Peck, Nez Perce County, State of Idaho as follows:

Section 1. *Cemetery.* That the City of Peck assumes responsibility and operates the Peck Cemetery.

Section 2. *East End of Cemetery.* The historic east end of the Cemetery shall remain closed for conventional burials. Requests for cremation burial in any of the existing plots in this portion of the Cemetery must be presented to the City of Peck for approval.

Section 3. *West End of Cemetery.* The West end of the Cemetery is available for conventional or cremation burials to persons currently living, having lived, or with relatives living or having lived in the vicinity of Peck, Idaho who may purchase burial plots in the Cemetery. Plots C2, C3, C4, and D14 are designated only for cremation burials due to trees located in their vicinity.

Section 4. *Notice of Burial.* All burials will be coordinated with the City Clerk.

Section 5. *Grave Site Sales.* The sale of grave plots is considered to be personal to the purchaser. If an individual owning a plot wishes to resell or otherwise dispose of the plot, only the City of Peck will have the option to purchase said plot. Should the City of Peck repurchase any plot or plots, the price paid by the City will be the original purchase price.

Section 6. *Plot Size.* The size of each burial plot is four feet by twelve feet. All plots are laid out from West to East.

Section 7. *Interment.* One conventional casket burial will be allowed per plot. Multiple cremations containers may be interred on one plot with approval of the City.

Section 8. *City will Mark.* Marking of a purchased plot will be accomplished by the City in coordination with the plot purchaser prior to a burial. A permit shall be presented to the City showing proper compliance with the laws of the State of Idaho of the burial of human bodies. All burials must have a concrete container or equivalent.

Section 9. *Headstones.* A headstone or headstones may be installed on plots regardless of size as long as the headstone remains within the area of the purchased plot. When multiple adjoining plots have been purchased, a headstone or headstones are permitted to be

placed between the plots as long as the headstones are located within the measurements of the purchased plots. Headstones must be embedded in materials that will guarantee future stability.

Section 10. *Installation of Headstones.* Headstones or markers may be set by a monument company or other individuals designated by the family of the deceased. Installation arrangements shall be made with the City when a headstone or marker is to be set to assure proper placement. The City will not be responsible for the upkeep of headstones or markers.

Section 11. *Decorations.* Permanent decorative items including but not limited to trees, shrubs, fencing, and vases will not be allowed. Glass containers are not allowed in the Cemetery. Decorative items placed on burial plots on a temporary basis may be removed at the discretion of the City of Peck after a reasonable period of time not to exceed two weeks and depending on the condition of the decorative item.

Section 12. *Fees.* The City shall charge the following fees:

Standard Plot, 4 feet x 12 feet:	\$75.00
Burial Plot Perpetual Care:	\$75.00
TOTAL:	\$150.00

All fees must be paid in full at the time of purchase to the City Clerk.

Section 13. *Violation is a Misdemeanor.* In the event that any of the provisions hereof are violated, the person violating the same shall be guilty of a misdemeanor which shall be punishable by a \$1,000.00 fine and imprisonment of six months.

Section 14. *Effective Date.* This ordinance shall be in full force and effect from and after passage, approval, and publication.

DATED this 10th day of January 2010
~~December 2009~~

CITY OF PECK:

Nancy J. Greene
Nancy J. Greene, Mayor

ATTEST:

Tami Firzloff
Tami Firzloff, City Clerk

PECK CEMETERY REGULATIONS

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4. *Notice of Burial.* All burials will be coordinated with the City Clerk.
5. *Grave Site Sales.* The sale of grave plots is considered to be personal to the purchaser. If an individual owning a plot wishes to resell or otherwise dispose of the plot, only the City of Peck will have the option to purchase said plot. Should the City of Peck re-purchase any plot or plots, the price paid by the City will be the original purchase price.
6. *Plot Size.* The size of each burial plot is four feet by twelve feet. All plots are laid out from West to East.
7. *Interment.* One conventional casket burial will be allowed per plot. Multiple cremations containers may be interred on one plot with approval of the City.
8. *City will Mark.* Marking of a purchased plot will be accomplished by the City in coordination with the plot purchaser prior to a burial. A permit shall be presented to the City showing proper compliance with the laws of the State of Idaho of the burial of human bodies. All burials must have a concrete container or equivalent.
9. *Headstones.* A headstone or headstones may be installed on plots regardless of size as long as the headstone remains within the area of the purchased plot. When multiple adjoining plots have been purchased, a headstone or headstones are permitted to be placed between the plots as long as the headstones are located within the measurements of the purchased plots. Headstones must be embedded in materials that will guarantee future stability.
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13. *Violation is a Misdemeanor.* In the event that any of the provisions hereof are violated, the person violating the same shall be guilty of a misdemeanor which shall be punishable by a \$1,000.00 fine and imprisonment of six months.

DATED this 10th day of December 2009.

CITY OF PECK:

Nancy J. Greene
Nancy J. Greene, Mayor

ATTEST:

Tami Firzlaff
Tami Firzlaff, City Clerk

**SUMMARY OF ORDINANCE 160 OF THE CITY OF PECK DEALING WITH THE
PROCEDURES AND REGULATIONS FOR THE OPERATION OF THE PECK
CEMETERY**

The City of Peck, Idaho adopted Ordinance Number 160 containing procedures and regulations for the operation of the Peck Cemetery on December 10, 2009. The Ordinance provides for the circumstances of interment at the Cemetery including coordination with the City Clerk and the circumstances of placing headstones or other decorations and the fees for those services and makes a misdemeanor for any violation of the Ordinance. The full text of this Ordinance is available at City Hall. This Ordinance Summary was approved by the City Council on January 14, ~~2009~~: 2010

STATEMENT OF COUNSEL

I, EDWIN L. LITTENEKER, am the City Attorney for the City of Peck and hereby certify pursuant to I.C. § 50-901A that the above summary of Ordinance Number 160 is true and complete and in my opinion supplies the public with adequate notice of the contents of the Ordinance.

DATED this 14th day of ~~December 2009~~ January 2010



Edwin L. Litteneker
Peck City Attorney

EDWIN L. LITTENEKER
ATTORNEY AT LAW
LICENSED IN IDAHO & WASHINGTON

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322 Main St.
Lewiston, ID 83501
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Email: ed@littenekerlaw.com

December 17, 2009

Nancy Greene, Mayor
City of Peck
P.O. Box 105
Peck, Idaho 83545

RE: *Summary of Ordinance 160*

Dear Mayor Greene:

Enclosed please find the Summary of Ordinance 160 for the Cemetery. The Summary of Ordinance should be included on the next agenda and the City Council needs to approve the Summary by Motion.

Please fill in both dates below after approval of the Summary by the Council. The date of my signature should be the same date as the date that the City Council approves the Ordinance Summary.

Should you have any questions, please do not hesitate to contact me.

Sincerely yours,



Edwin L. Litteneker
Attorney at Law

ELL:hjg

Enclosure

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date:	<u>01/25/2010</u>	INVOICE NO.	<u>10149</u>
Account No.	<u>745750</u>		
Description	<u>10149 SUMMERY O</u>		
Times	<u>1</u>	Lines	<u>28</u>
		Tab. lines	
		\$	<u>22.40</u>

Sold To: CITY OF PECK
PO BOX 105
PECK ID 83545

PO#

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 10149 SUMMERY O attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune,

1 time(s). Publication being on 01/25, or once a ~~day~~ ~~for~~ consecutive ~~days~~ for 1 consecutive ~~days~~ the first publication thereof being on the 01/25/2010, and the last publication thereof being on the 01/25/2010, and said 10149 SUMMERY O was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication, as set forth above.

Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 27th day of Jan in the year of 2010, before me, a Notary Public, personally appeared Karen J. Lewis, 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.



Sherah M. Lewis
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 6/04/15