

CLERK'S OFFICE

APPROVED

Date: 5-22-01

Submitted by: Chair of the Assembly at the
Request of the Mayor

Prepare by: Department of Law

For Reading: APRIL 17, 2001 

ANCHORAGE, ALASKA

AO NO. 2001- 90

AN ORDINANCE MERGING THE ANCHORAGE MUNICIPAL CODE OF REGULATIONS
CHAPTER 25.60 INTO THE ANCHORAGE MUNICIPAL CODE CHAPTER 25.60 AND
AMENDING THE CODE TO MORE ACCURATELY DESIGNATE THE PROPERTY OF
THE ANCHORAGE MEMORIAL PARK CEMETERY, TO UPDATE THE GRAVESITE
DECORATION RULES, TO REQUIRE A FUNERAL DIRECTOR'S PRESENCE AT ALL
BURIALS, TO INCREASE THE ALLOWABLE SIZE OF AN INFANT CASKET FROM 24
INCHES TO 36 INCHES, AND TO MAKE OTHER RELATED CODE IMPROVEMENTS.

THE ANCHORAGE ASSEMBLY ORDAINS

Section 1: Anchorage Municipal Code section 25.60.010 is hereby amended to read as follows:

25.60.010 **Designation of property.**

That property located within the area between Sixth and Ninth [11TH] Avenues and
Cordova and Fairbanks Streets, patented to the municipality and to certain veteran,
church, fraternal and other organizations and commonly known as the cemetery reserve,
is declared to be dedicated for burial purposes, [AND] shall be known as the Anchorage
Memorial Park, and is subject to the provisions of this chapter.

(AO No. 79-170)

Section 2: Anchorage Municipal Code of Regulations section 25.60.002 is hereby merged with
the Anchorage Municipal Code and is renumbered as follows:

25.60.005[2] **Purpose.**

This chapter is [THESE RULES AND REGULATIONS ARE] designed to establish and
preserve a serene, dignified setting to enable quiet reflection, honor to the deceased and
healthy grieving by bereaved family members and friends of the deceased. [THESE
RULES AND REGULATIONS ARE HEREBY ADOPTED AS THE RULES AND
REGULATIONS OF THIS CEMETERY, AND VISITORS OR THOSE PERFORMING
WORK WITHIN THE CEMETERY SHALL BE SUBJECT TO SAID RULES AND
REGULATIONS, AMENDMENTS OR ALTERATIONS AS SHALL BE ADOPTED
FROM TIME TO TIME.] All reservation holders and private tractowners shall be bound
by such amendments to this chapter [OF THE RULES AND REGULATIONS] as the

cemetery shall make in accordance with the appropriate ordinance of the Municipality of Anchorage. All reservation holders are advised that when the cemetery makes a reservation of a lot or grants a right of interment, it conveys only a burial easement of the cemetery property, and not ownership of such property.

(AO No. 97-95, § 1, 7-1-97)

Section 3: Anchorage Municipal Code of Regulations section 25.60.001 is hereby merged with the Anchorage Municipal Code and renumbered and amended to read as follows:

25.60.015[01] Definitions.

The following definitions shall apply herein:

[CEMETERY MEANS ALL PUBLIC AND PRIVATE PROPERTIES HELD AND BEING USED, OR TO BE USED FOR INTERMENT OF HUMAN REMAINS, AS WELL AS ALL PROPERTIES USED FOR RELATED PURPOSES SUCH AS ROADWAYS, WALKS AND BUILDINGS IN THE ANCHORAGE MEMORIAL PARK CEMETERY. PHYSICAL BOUNDARIES ARE: 6TH AVENUE TO THE NORTH, FAIRBANKS STREET TO THE EAST, 9TH AVENUE TO THE SOUTH AND CORDOVA STREET TO THE WEST.]

Interment means burial, entombment or inurement of the remains of a deceased person. "*Entombment*" means the placement of human remains in a crypt or vault. "*Inurement*" means placing cremated remains in a niche or container for burial.

Memorial means any marker or structure upon or in the lot, niche or crypt placed thereupon or therein or partially therein for the purpose of identification or in memorialization of the deceased.

Contractor or worker means any firm, vendor or person engaged in placing, erecting or repairing any memorial or performing any work in the cemetery grounds, other than an employee of the cemetery employed by the municipality.

Reservation holder means any person holding a valid reservation for a burial lot for future interment, with all reservation fees paid in advance.

Lot or gravesite means a specific location in the cemetery designated by the managing agency or private tractowner as being used or to be used for the interment of human remains.

[MANAGING AGENCY MEANS THE DEPARTMENT OF PUBLIC WORKS ASSIGNED RESPONSIBILITIES OF MANAGING THE CEMETERY BY THE MAYOR UNDER THE PROVISIONS OF AMC 25.60.020.]

Director [MANAGER] means the person duly assigned by the Office of Planning, Development and Public Works [MANAGING AGENCY] for the purpose of administering the cemetery.

Private tract owner means the veteran, fraternal and church organization holding a patent to specific tracts of land:

Organization	Tract
Pioneers of Alaska, Igloo #15	1, 10 & 1
B.P.O.E. Elks #1351	2
Catholic Archdiocese	5 & 6
Anchorage Masonic Lodge #17	9
Loyal Order of Moose #1534	12
American Legion Jack Henry Post #1	19 & 20

(AO No. 97-95, § 1, 7-1-97)

Section 4. Anchorage Municipal Code section 25.60.020 is hereby amended to read as follows:

25.60.020 Managing agency.

The Office of Planning, Development, and Public Works, Cemetery Director, shall manage the Anchorage Memorial Park.

[PURSUANT TO SECTION 25.10.050, A MANAGING AGENCY SHALL BE DESIGNATED FOR THAT PORTION OF THE ANCHORAGE MEMORIAL PARK OWNED BY THE MUNICIPALITY. THE MANAGING AGENCY SHALL IN ADDITION HAVE THE FURTHER RESPONSIBILITIES OF MANAGING THE PRIVATE TRACTS WITHIN THE PARK IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER. THE RESPONSIBILITIES OF THE MANAGING AGENCY SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

- [A. THE OPERATION AND MAINTENANCE OF ANCHORAGE MEMORIAL PARK.
- [B. THE ISSUANCE OF ALL PERMITS AUTHORIZED BY THE PROVISIONS OF THIS CHAPTER.
- [C. THE MAINTENANCE OF ALL RECORDS PERTAINING TO BURIALS, PERMITS AND DISINTERMENTS WITHIN THE ANCHORAGE MEMORIAL PARK.
- [D. THE PROMULGATION OF REGULATIONS AUTHORIZED UNDER SECTION 25.60.030.]

(AO No. 79-170)

Section 5: Anchorage Municipal Code of Regulations section 25.60.003 is hereby merged with the Anchorage Municipal Code and renumbered and amended to read as follows:

25.60.025[03] Administration and appeal.

- A. The cemetery director shall administer this chapter [THESE REGULATIONS]. Special cases may arise in which the literal enforcement of a rule may be inconsistent with the religious beliefs of the deceased or otherwise impose a hardship. The director therefore reserves the right without notice to make exception, suspensions, or modifications to any rule and regulation when in his judgement such appears advisable, and will document all such actions. An aggrieved person may appeal a decision of the director to the executive director of the office of planning, development and public works [MANAGER] within ten days of the decision. The executive director [MANAGER] shall accept such written argument from the aggrieved party and make a written decision based on the standards provided in this chapter [THESE REGULATIONS].
- B. The cemetery reserves the right to adopt new rules [AND REGULATIONS] as it sees fit and to amend, alter or change existing rules when it becomes necessary. Such changes will be provided to private tractowners.
- C. The cemetery reserves the right to enlarge, reduce, replat, change, expend, grade, pave, alter, install lines, install walkways, plant trees, shrubs, as well as the right to use cemetery property owned by tractowners and reservation holders for cemetery purposes. The cemetery reserves unto itself, and to those lawfully entitled, a perpetual right of ingress and egress over the lots for the purpose of passage to and from other lots, walks and streets.
- D. The cemetery's liability for any errors that may be made shall be limited to interment rights of equal value and similar locations insofar as possible, or as may be selected by the cemetery, to refunding the amount of money paid on account of said reservation. In the event such error shall involve the interment of the remains of any person in such property, the cemetery reserves the right to remove and transfer such remains so interred to such other property thereof.

(AO No. 97-95, § 1, 7-1-97)

Section 6: Anchorage Municipal Code section 25.60.040 is amended to read as follows:

25.60.040 Burials generally.

The remains of any person may be buried in that portion of the Anchorage Memorial Park owned by the municipality upon the submission of proper applications for permits in accordance with the provisions of this chapter [REGULATIONS PROMULGATED UNDER THE AUTHORITY OF SECTION 25.60.030]. For those portions of Anchorage

Memorial Park owned by veteran, church, fraternal and other organizations, burial shall be permitted in accordance with the applicable provisions of this code [MUNICIPAL REGULATIONS] and the authorization of the respective organization.

(AO No. 79-170)

Section 7: Anchorage Municipal Code of Regulations section 25.60.007 is hereby merged with the Anchorage Municipal Code and is renumbered and amended to read as follows:

25.60.045[07] Vault.

- A. A burial vault or grave box (concrete, steel, fiberglass or plastic) for enclosing caskets shall be required for all burials of human remains in a casket 37 [25] inches or longer in length; provided, however, cremated remains (ashes) in a sealed container/urn and 36-inch [24-INCH] or less Cherub caskets are exempt.
- B. Performance standards for a burial vault require that it be capable of performance at -30° F. to +120° F. and able to withstand passage of a backhoe or truck weighing 20,000 lbs. gross weight or 5,000 lbs. per wheel at a maximum depth of eight feet from the bottom of the unit and covered by at least 24 inches of soil. A manufacturer's warranty of performance for a minimum of 100 years shall be required for all vaults. In the absence of such warranty, the cemetery may require a strength test by the municipal engineer at the supplier's or manufacturer's expense, including those costs associated with delivery and removal of the vault to and from the test site at the cemetery.

(AO No. 97-95, § 1, 7-1-97; AO No. 99-95, § 2, 7-13-99)

Section 8: Anchorage Municipal Code of Regulations section 25.60.008 is hereby merged with Anchorage Municipal Code section 25.60.050 and is renumbered as subsections B., C., D., E. and F., to read as follows:

25.60.050[7] Reservation, use and disinterment of burial sites.

- A. The reservation, use and disinterment of burial sites within the Anchorage Memorial Park shall be accomplished only upon the issuance of an appropriate permit by the cemetery director [MANAGING AGENCY]. All such permits shall be issued in accordance with the provisions of this chapter, any regulations promulgated under the authority of section 25.60.030, any necessary authorization of any respective church, veteran or fraternal organization which owns the tract encompassing the grave site, and any applicable state or federal laws.
- B[A]. A one-time reservation fee as specified in the current municipal schedule of fees will give the reservation holder exclusive use of the lot so identified. As public law prohibits the actual sale of cemetery land, there is no conveyance of title or

land ownership involved in the reservation of a gravesite. Such reservation is essentially a "lifetime easement" which guarantees such exclusive use.

C[B]. Reservations can be made under "family member" title or name.

D[C] Reservations will be renewed at five-year intervals at no extra charge. The cemetery will send a certified letter to each reservation holder which must elicit a positive reply. If respondent does not reply or otherwise confirm the reservation, it is then canceled and will revert back to the cemetery.

E[D] The transfer of any interment right by any reservation holder or private tractowner shall not be binding upon the cemetery unless same shall first be duly approved in writing by the cemetery director [MANAGER]. The right then must be reconveyed to the cemetery or private tractowner, at which time a new conveyance will be issued to the new owner.

F[E] Each reservation holder is vested with the right to his or her interment only. If the owner dies intestate, the owner of interment rights may dispose of same by will, subject to the foregoing conditions. Interment rights will descend to his or her heirs according to the laws of descent, except as otherwise provided in the ordinances at such time.

(AO No. 79-170, AO No. 97-95, § , 7-1-97)

Section 9: Anchorage Municipal Code of Regulations section 25.60.004 is hereby merged with the Anchorage Municipal Code and is renumbered and amended to read as follows:

25.60.055[04] Interment and disinterment procedures.

* * *

* * *

* * *

C. It is unlawful to permit final disposition of a dead human body or fetus unless accompanied by a duly executed burial-transit permit issued by the S[S]tate of Alaska, any other state in the union, or Canada. This permit must accompany the body until its final disposition and will then be retained in permanent records kept by the cemetery. The process of cremation is itself considered final disposition. Cremated remains shall not require a burial-transit permit for interment in the cemetery.

D. A duly executed Burial Application and Marker Installation Permit (municipality dual-purpose form 14-058) will be required for each interment and/or marker installation. A licensed funeral director must be present at all burials except for burial of cremated remains.

E. The cemetery shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or where the rules and regulations have not been complied with. The cemetery reserves the right under such

circumstances to place the remains in a receiving vault until the full rights of the parties involved have been determined. The cemetery reserves the right to require that any protest to any interment or disinterment be in writing and to be formally filed at the office of the cemetery.

* * *

* * *

* * *

(AO No. 97-95, § 7-1-97)

Section 10: Anchorage Municipal Code of Regulations section 25.60.009 is hereby merged with the Anchorage Municipal Code and is renumbered and amended to read as follows:

25.60.065[09] Fees.

- A. All fees for interment, memorials and care are due and payable prior to the accomplishment of such action or work ordered.
- B. The first burial in an adult-size public grave will be charged an adult burial fee regardless of the type of burial performed. Subsequent burials in the same grave will be charged according to the fee schedule below. All gravesite reservations obtained prior to January 1, 2001 are exempt from this requirement.

C.[B.] The following fees shall apply:

Item	Fee
Interment, adult (68" or longer casket)	\$970.00
Interment, adult (68" or longer casket), Winter	1,420.00
Interment, child (25" to 67" casket)	670.00
Interment, child (25" to 67" casket), Winter	970.00
Interment, infant (24" or less casket)	570.00
Interment, infant (24" or less casket), Winter	795.00
Interment, cremated remains	270.00
Interment, cremated remains, Winter	370.00
Interment, adult (68" or longer casket) (public assistance)	850.00
Interment, adult (68" or longer casket), Winter (public assistance)	1,300.00

1	Interment, child (25" to 67" casket) (public assistance)	550.00
2		
3	Interment, child (25" to 67" casket), Winter (public assistance)	850.00
4		
5	Interment, infant (24" or less casket) (public assistance)	450.00
6		
7	Interment, infant (24" or less casket), Winter (public assistance)	675.00
8		
9	Interment, cremated remains (public assistance)	150.00
10		
11	Interment, cremated remains, Winter (public assistance)	250.00
12		
13	Stacked burial	100.00
14		
15	Saturday/evening charge	100.00
16		
17	Sunday/holiday charge	200.00
18		
19	Upright monument area, Tract B, One-time charge	350.00
20	Tent rental, 15' X 15'	175.00
21		
22	Dirt pile	75.00
23		
24	Chairs (additional nest of four)	
25		
26	Gravesite reservation, one-time charge	150.00
27		
28	Gravesite reservation, cremains section, one-time charge	75.00
29		
30	Gravesite reservation transfer fee	25.00
31		
32	Flat plaque installation, less than 100 square inches	
33		
34	Flat plaque installation, 101--199 square inches	100.00
35		
36	Flat plaque installation, 200--399 square inches	120.00
37		
38	Flat plaque installation, 400--599 square inches	150.00
39		
40	Flat plaque installation, 600--799 square inches	200.00
41		
42	Flat plaque installation, 800--1,000 square inches	250.00
43		
44	Flat plaque vase installation – add	
45		
46	Vase installation only	75.00

Monument installation, 100 pounds or less	80.00
Monument installation, 101 through 199 pounds	130.00
Monument installation, 200 through 399 pounds	200.00
Monument installation, 499 through 599 pounds	300.00
Monument installation, 600 through 999 pounds	450.00
Monument installation, 1,000 through 1,499 pounds	800.00
Monument installation, 1,500 to a maximum of 2,500 pounds	,000.00
Disinterment, adult, (68" or longer casket) off-site reinterment	750.00
Disinterment, child, (25" to 67" casket) off-site reinterment	450.00
Disinterment, infant, (24" or less casket) off-site reinterment	350.00
Disinterment, adult, (68" or longer casket) on-site reinterment	1,300.00
Disinterment, child, (25" to 67" casket) on-site reinterment	900.00
Disinterment, infant, (24" or less casket) on-site reinterment	750.00

(AO No. 97-95, § 1, 7-1-97; AO No. 99-95, § 3, 7-13-99)

Section 11: Anchorage Municipal Code of Regulations section 25.60.005 is hereby merged with the Anchorage Municipal Code and is renumbered and amended to read as follows:

25.60.080 Gravesite decorations. [(REPEALED)]

- A. Removal of grass or sod or the construction or placement of [FULL-LENGTH] concrete slabs or placement of rocks or any other coverings over the grave [BURIAL LOTS] shall be prohibited.
- B. Removal of snow for the purpose of creating a walkway to and from an existing grave and the removal of snow from an existing grave is prohibited.
- C[B]. Temporary boxes, fences or other decorations are allowed until the permanent marker is installed [BURIAL SITE AREA IS SEEDED FOR GRASS]. Permanent raised obstructions (including mounds or fences) shall not be allowed.
- D. Glass containers of all types are prohibited.

- E.** Balloons, whirligigs, mobiles, or any other moving decoration, (with the exception of one small flag of no more than 36 inches high) clothing, candles, stuffed animals, toys, food, or any decoration other than plants or flowers shall be allowed only in the first 30 days after a burial. After that time they are prohibited.
- F.** Unattended lit candles are prohibited at all times.
- G.** Plastic and silk flowers are permitted only during the 30 day period after burial and between October 1 and April 30. Fresh flowers are permitted anytime.
- H.** Temporary wooden crosses or upright markers are permitted between October 1 and April 30 to mark the grave for the winter months.
- I[C]** New trees, plants or shrubs may be planted at a burial site only with the expressed authorization of the cemetery director [MANAGER], and then only within 18 inches of the headstone. [AND THEN ONLY WITHIN THE SPECIFIC CONFINES OF THE BURIAL LOT OF THE DECEASED.] Planting of any sort is not authorized in the flat marker areas of Tracts AA, BB, EE, F1 or F2 except in the landscape easement areas within 10 feet of the fence. Existing plantings may remain but may not be replaced.
- I.** Decorations will not be placed in or attached to trees, shrubs, or bushes.
- K[D]** Placing potted, fresh plants and flowers, summer wreaths, or baskets on [LOTS AND] graves is permitted at any time. The same shall be removed within ten days, unless watered and cared for by relatives. Digging holes or removing grass is strictly prohibited [UNLESS FIRST APPROVED BY MANAGEMENT].
- L[E]** The cemetery is not liable for damages caused to, or the disappearance of flowers, plants, shrubs or decorations placed on a lot.
- M[F]** The cemetery reserves the right to remove all flowers, potted plants, wreaths, baskets, etc., when they become withered, and artificial flowers when they become discolored, or any other decoration when in the judgement of the cemetery they should be removed.
- N.** All decorations (except those on burials of less than 30 days) will be removed during a selected week in the month of May each year to clean the cemetery. The cemetery is not responsible for replacing such decorations. A 20-day notice will be posted in the cemetery. Family and friends may either remove their properly placed decorations during the clean-up week and replace them later, or request the cemetery not to remove their properly placed decorations by calling or writing the Cemetery director.

1 **Q[G]** If any tree, shrub or plant standing upon any lot encroaches on adjacent lots or
2 avenues, the cemetery has the right to prune, cut or remove such plants or take
3 other action needed to correct the condition.
4

5 **P[H]** No person shall pluck or remove any flower, plant or shrub, either wild or
6 cultivated from the cemetery grounds or from one grave to another.
7

8 (AO No. 97-95, § , 7-1-97)
9

10 **Section 12:** Anchorage Municipal Code of Regulations section 25.60.006 is hereby merged with
11 the Anchorage Municipal Code and is renumbered as follows:
12

13 **25.60.085 Memorialization markers.**
14

15 **A** All graves shall have a permanent grave marker installed within six months after
16 the burial, but no later than the following spring. A permit (municipality dual-
17 purpose form 14-058) must be issued by the cemetery and payment made before
18 installation can occur.
19

20 1 A portion of the burial fee shall be earmarked to provided a grave marker
21 for the burial site and shall be used by the cemetery to purchase and install
22 a grave marker meeting the minimum requirements of subsection C. of
23 this section in the event a marker is not delivered to the cemetery as
24 provided in subsection A. of [IF] this section.
25

26 (AO No. 89-167, -1-90; AO No. 97-95, § 1, 7-1-97; AO No. 99-95, § 1, 7-13-99)
27

28 **Section 13:** Anchorage Municipal Code of Regulations section 25.60.010 is hereby merged with
29 the Anchorage Municipal Code and is renumbered and amended to read as follows:
30

31 **25.60.090 Admission to cemetery [RESERVED].**
32

33 **A** Cemetery visitors are expected to willingly follow all published rules and
34 regulations. Individuals who do not comply will be asked to leave. Information
35 identifying cemetery personnel and all reservation holders thereto will be on file
36 in the office of the cemetery. Notice of the rules and regulations, copies thereof,
37 or excerpts therefrom, may be furnished to anyone upon request.
38

39 **B** Management reserves the right to refuse admittance to any person who is
40 intoxicated, is exhibiting disorderly conduct (as described [AMPLIFIED] in AMC
41 8.30.120 [8.05.120],) or otherwise presents a disturbance or potential hazard to
42 the cemetery or its authorized visitors.
43

44 **C.** Any person found on the grounds after dark or after the gates are closed shall be
45 considered a trespasser.
46

D. No person will be permitted to use profane or boisterous language loud enough to inhibit the ability of the average person in the same area to converse freely without leaving, or in any way disturb the quiet and good order of the cemetery.

Editor's note--AO No. 97-95, § 3, effective July 1, 1997, renumbered § 25.60.090, *collection of maintenance costs*, as 25.60.070.

(AO No. 97-95, § 1, 7-1-97)

Section 14: Anchorage Municipal Code of Regulations 25.60.006 is hereby merged with the Anchorage Municipal Code and is renumbered as follows: *(the remainder of the section is not affected and therefore not set out)*

25.60.095 General instructions.

(AO No. 97-95, § 1, 7-1-97)

Section 15: This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 22 day of May, 2001.


Chair of the Assembly

ATTEST


Municipal Clerk

MUNICIPALITY OF ANCHORAGE

Summary of Economic Effects - General Government

AO Number: 2001-90 Title: Merging AMCR chapter 25.60 with AMC 25.60 and amending the provisions therein.

Sponsor: Office of Planning, Development and Public Works

Preparing Agency: Department of Law

Others Affected

CHANGES IN EXPENDITURES AND REVENUES (Thousands of Dollars)

Operating Expenditures	FY	FY	FY	FY	FY
1000 Personal Services					
2000 Supplies					
3000 Other Services					
4000 Debt Service					
5000 Capital Outlay					
TOTAL DIRECT COSTS:					
ADD: 6000 Charge from Others					
LESS: 7000 Charge to Others					
FUNCTION COST:					
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp.					

Public Sector Economic Effects:

No significant effects expected. The costs of cleaning the cemetery will decrease. It is anticipated that less debris from grave decorations will be present with the stricter rules. The over-all appearance of the Park will be improved.

If further explanation is necessary, a separate page may be attached.

SUMMARY OF ECONOMIC EFFECTS

Page 2

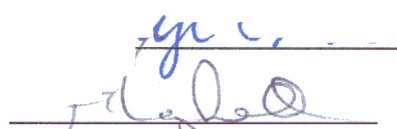
Private Sector Economic Effects:

No significant effects are expected. There will be a modest increase in cost for some burials to compensate the funeral directors whose attendance is required under this ordinance. There will be a modest decrease in the costs of burial for infants who need the larger casket, instead of the adult size casket.

If further explanation is necessary, a separate page may be attached.

Prepared by:

Telephone: 343-4349


(Director, Preparing Agency)

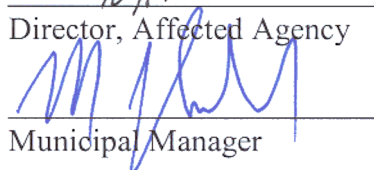
Date: 4/5/01

Date: 4/2/01

Concurred by:

N/A
Director, Affected Agency

Approved by:


Municipal Manager

Date: 4/11