

BILL NO. 2023-30

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LVMC TITLE 14 TO ADOPT A NEW CHAPTER PERTAINING TO THE OPERATION OF THE MUNICIPAL CEMETERY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mike Janssen, City Manager

Summary: Amends LVMC Title 14 to adopt a new chapter pertaining to the operation of the municipal cemetery.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 14 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 12, and consisting of Sections 10 to 170, inclusive, reading as follows:

14.12.010: The municipal cemetery is under the general direction of the City Manager. However, the City Manager may assign the authority and responsibilities regarding the cemetery to a City department or to another person or entity by means of contract. The department, person or entity so assigned shall function as the Administrator for purposes of this Chapter. The Administrator is authorized to adopt regulations governing the cemetery. Such regulations may include without limitation regulations that pertain to or govern:

- (A) The sale and conveyance of cemetery lots;
- (B) The use of caskets and other burial alternatives;
- (C) Plantings, decorative materials, memorabilia and other items related to burial plots;
- (D) Headstones, tombstones, markers, monuments and other installations; and
- (E) Limitations on the use of cemetery property for events or occasions such as picnics, celebrations, camping and other uses that are inconsistent or conflict with the property's use as a cemetery.

14.12.020: It is unlawful for any person to bury or cause to be buried the body of a deceased person in the municipal cemetery unless:

- (A) The burial is under the direction of the Administrator;

1 (B) The burial is pursuant to written direction or consent by the owner of the cemetery
2 lot in which the burial will take place, or the written direction or consent of the nearest next of kin if the body
3 is that of the owner of the lot; and

4 (C) The cemetery lot in which the burial will take place has been paid for in full and a
5 cemetery deed of conveyance has been executed and delivered therefor.

6 **14.12.030:** It is unlawful for any person to disinter the body of a deceased person in the municipal
7 cemetery unless the disinterment:

8 (A) Has been approved and is under the supervision of the Administrator; and

9 (B) Takes place under the authority of a disinterment permit from the Southern Nevada
10 Health District and is in accordance with applicable requirements of Nevada Revised Statutes.

11 **14.12.040:** The Administrator or a designee shall oversee the sale of lots in the municipal cemetery in
12 accordance with cemetery regulations established pursuant to LVMC 14.12.010. Such sales are subject to a
13 schedule of prices and fees to the extent such a schedule has been approved by the Administrator. The
14 Administrator or designee shall employ such forms of purchase agreements, payment plan arrangements, and
15 deeds of conveyance as are appropriate. Purchase agreements and deeds of conveyance shall include a
16 recitation that the ownership, use, and care of cemetery lots and graves are subject to such regulations as have
17 been established by the Administrator. The Administrator is authorized to keep such records regarding the
18 operation of the cemetery as deemed necessary or appropriate.

19 **14.12.050:** Whenever a cemetery lot that has been purchased from the City is conveyed to a third party,
20 notice of such conveyance shall be given to the Administrator. Whenever a cemetery lot is conveyed to a
21 third party or reconveyed to the City, the Administrator is authorized to charge a reasonable fee in accordance
22 with the fee schedule referred to in LVMC 14.12.040.

23 **14.12.060:** All interments must be in a casket enclosed in an outside burial case of steel, concrete or
24 fiberglass, or as otherwise permitted by cemetery regulations established by the Administrator.

25 **14.12.070:** Interments on Saturdays, Sundays or holidays are subject to the payment of additional fees
26 as may be set forth in the fee schedule referred to in LVMC 14.12.040.

1 **14.12.080:** Interments and disinterments are subject to the production of associated permits from the
2 Southern Nevada Health District and such other processing of permits as may be required by the Health
3 District.

4 **14.12.090:** All headstones, tombstones, markers or monuments to be placed on graves must first be
5 approved by the Administrator before installation. Headstones may not be installed unless by the
6 Administrator or an authorized representative. The Administrator has the discretion, but no obligation, to,
7 replace, repair or restore monuments and markers. After the installation of a monument or marker, the City
8 shall have no liability for the natural deterioration of that marker or monument, or for damage to the
9 monument or marker not caused by the City or its Administrator or agents.

10 **14.12.100:** No plantings are allowed in the municipal cemetery unless first approved by the
11 Administrator and in accordance with regulations regarding plantings as have been established by the
12 Administrator.

13 **14.12.110:** Except to the extent installed by or on behalf of the City or the Administrator, the installation
14 of artificial turf or alternative landscaping is prohibited and is subject to removal by the Administrator. Items
15 that do not conform to established cemetery regulations, as well as items that will impact regular maintenance
16 of the cemetery, are subject to removal by the Administrator.

17 **14.12.120:** Neither the City nor the Administrator shall have liability or responsibility for items placed
18 on or near burial plots, including without limitation flowers, plants, decorative materials, memorabilia and
19 other similar items.

20 **14.12.130:** It is unlawful for any person, firm or corporation to injure or deface, or cause to be injured
21 or defaced, any headstone, tombstone, marker, monument, tree, shrub, or any other property in the municipal
22 cemetery.

23 **14.12.140:** It is unlawful for any person to ride or drive any vehicle within the limits of any municipal
24 cemetery at a rate of speed in excess of the posted speed limit.

25 **14.12.150:** Except as otherwise provided in this Section, it is unlawful for any person to bring into the
26 municipal cemetery any dog, cat, or other animal, or for the owner of any such animal to permit the animal

1 to remain within the cemetery. Bringing an animal into the cemetery by means of a vehicle is not a violation
2 of this Section if the animal remains in the vehicle at all times.

3 **14.12.160:** Funds that have been received and established for endowment and perpetual care purposes
4 are to be maintained and administered in accordance with Nevada Revised Statutes.

5 **14.12.170:** It is unlawful to violate or fail to comply with a cemetery regulation established by the
6 Administrator pursuant to this Chapter.

7 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
8 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
9 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
10 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
11 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
12 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
13 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

14 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to
15 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
16 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
17 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
18 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
19 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
20 of this ordinance shall constitute a separate offense.

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SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2024.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed, 11-20-23
Deputy City Attorney Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2023, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2024, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk

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