



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Darlene Billstrom, Cemetery Administrator
MEETING DATE: September 16, 2015
SUBJECT: Ordinance regarding placement of vases and other objects at burial sites in El Carmelo Cemetery
CEQA: Does not constitute a "Project" under California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION

Hold second reading and adopt an ordinance amending PGMC Section 14.16.160, *Vases and Placement of Objects at Burial Sites*, authorizing staff to remove prohibited objects placed on burial sites on a monthly basis and otherwise, as needed.

DISCUSSION

Section 14.16.160 of the City of Pacific Grove Municipal Code states, "The placement on any burial site of objects other than real or artificial flowers of a reasonable size or flags exceeding eight inches in length and twelve inches in height are [*sic*] prohibited, and, if so placed, the city may remove and dispose of them at its discretion." Until now, the City has not routinely removed such objects.

Recently there have been a number of complaints both in letters to the editors of local papers and telephone calls to the Cemetery Office about the placement of prohibited objects on burial sites in El Carmelo Cemetery. Prohibited items such as solar lights, whirling lawn ornaments, unapproved vases, and potted plants are increasingly being placed on burial sites, niches, and crypts (see photos in Attachment 2). While cemetery staff sometimes removes such items, there has never been a procedure addressing regular removal of unauthorized items.

Staff recommends a schedule be established to clear the cemetery of all artificial and real flowers, flags, and prohibited memorabilia on a regularly scheduled basis. The schedule and the Cemetery's rules and regulations will be prominently posted prior to the sweep so items may be removed by their owners. Staff will also ensure persons purchasing a plot or crypt acknowledge that the code prohibits them from placing such objects, gives the City the right to remove any and all such objects at any time, and the act of placing these objects shall forfeit ownership of the items.

The proposed change also increases the size of allowable flags, to include the standard flags on a wooden pole that can be inserted in the ground such that the flag itself does not touch the ground.

These are very popular on national holidays. The City will not remove these until after the completion of the holiday.

A summary of the proposed ordinance approved by the City Attorney was published in a newspaper of general circulation. No substantive changes have been made to the proposed ordinance since first reading. Minor wording changes have been made to improve clarity and to modernize the language used.

The recommended action does not constitute a "Project" as that term is defined under the California Environmental Quality Act (CEQA) Guideline Section 15378, as it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

OPTIONS

1. Do not approve second reading.
2. Provide alternative direction.

FISCAL IMPACT

Increased cemetery staff hours, approximately \$50.00 per sweep and materials and fabrication of signs approximately \$1,000. All costs will be expensed in the Cemetery operating fund.

ATTACHMENTS

1. Draft ordinance to amend the Vases and Placement of Objects on Burial Sites
2. Collage of El Carmelo Cemetery

RESPECTFULLY SUBMITTED:

Darlene Billstrom

Darlene Billstrom
Cemetery Administrator

REVIEWED BY:

THOMAS FRUTCHY

Thomas Frutchey
City Manager

ORDINANCE NO. 15-_____

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE
TO AMEND PGMG SECTION 14.16.160,
“VASES AND PLACING OF OBJECTS ON BURIAL SITES”**

WHEREAS, in 1961, the City of Pacific Grove determined regulation of vases and placing of objects on burial sites was necessary and enacted Pacific Grove Municipal Code 9PGMC) Chapter 14.16.160; and

WHEREAS, the City of Pacific Grove Municipal Code, Section 14.16.160 allows only real or artificial flowers in approved containers and flags of a certain size in El Carmelo Cemetery; and

WHEREAS, it is right and necessary that El Carmelo Cemetery be maintained as a peaceful and attractive area for visitors and those interred therein; and

WHEREAS, the action proposed by this amendment does not constitute a “Project” as that term is defined under the California Environmental Quality Act (CEQA), Guideline Section 15378, as it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Pacific Grove Municipal Code section 14.16.160 — Vases and placement of objects on burial sites — shall be amended as shown in this section. Text shown in *bold italics* shall be added, and text shown in ~~strikeout format~~ shall be deleted.

14.16.160 ~~Vases and p~~Placement and removal of objects at burial sites, niches, or crypts

~~Flower receptacles (vases) are approved for use in the cemetery in accord with the following requirements. In-ground burial sites require retractable metal vases capable of being lowered to ground level. Niche and crypt sites require metal vases that shall be mounted on the face of the niche or crypt and must be of a suitable size, so as not to infringe upon the face of any other niche or crypt. The placement on any burial site of objects other than real or artificial flowers of a reasonable size or flags exceeding eight inches in length and 12 inches in height are prohibited and, if so placed, the city may remove and dispose of them at its discretion. Approved flowers~~

~~and flags shall be placed in city approved vases. Any flowers or flags placed into a vase on a niche or crypt shall be of a size as not to obstruct the inscription on any adjacent niche or crypt.~~

Flower vases and flags that comply with the following requirements are approved for use in the cemetery:

- (a) Vases placed at in-ground burial sites must be constructed of metal, and each must be retractable so it can be lowered to ground level. Plants or flowers shall be of reasonable size. Each vase or vase type shall be approved before installation.***
- (b) Vases may be mounted on the face of a niche or crypt, such that the vase and flowers shall not infringe upon the face of any other niche or crypt, or obstruct the inscription on any adjacent niche or crypt. Plants or flowers shall be of reasonable size.***
- (c) Flags shall not exceed 8 inches wide and 12 inches long. Only one flag per marker is allowed. Each flag must be secured so as to prevent the flag from touching the ground.***

The placement of any other object, such as potted plants, at an in-ground burial site, niche, or crypt, is prohibited

Person(s) placing objects at an in-ground burial site, niche, or crypt shall remove or cause to be removed all objects no later than seven days after placement.

The City may remove, dispose of, or destroy any object, except for an approved vase in acceptable condition, on a monthly scheduled basis, or more frequently as necessary, whether or not seven days have elapsed from the date of placement. Scheduled removal dates shall be prominently posted.

SECTION 3. In accord with Article 15 of the City Charter, this ordinance shall take effect thirty days following passage and adoption hereof.

SECTION 4. The City manager and City clerk are directed to perform all tasks necessary to implement this ordinance. This measure shall cause republication of the Pacific Grove Municipal Code.

SECTION 5. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs,

sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 16th day of September, 2015, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL KAMPE, Mayor

ATTEST:

SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney

ATTACHMENT: El Carmelo

