

ORDINANCE NO. 15-017

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE
TO AMEND PGMC 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: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Lucius, Miller and Peake.

NOES: None.

ABSENT: None.

APPROVED:



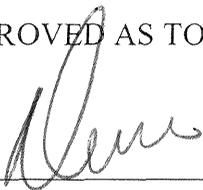
BILL KAMPE, Mayor

ATTEST:



SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney

