

1<sup>st</sup> Reading: March 27, 2017  
2<sup>nd</sup> Reading: April 10, 2017

Presented By:  
City Manager

Action Taken:  
Yes 5  
No 0  
Abstain 0

**CITY OF NOME, ALASKA**

**ORDINANCE NO. O-17-03-02 (Amended)**

**AN ORDINANCE CREATING CHAPTER 14 OF THE NOME CODE OF ORDINANCES TO  
REGULATE THE NOME MUNICIPAL CEMETERY**

**WHEREAS**, the City of Nome ("City") owns and maintains a property that has been used as a cemetery since prior to Incorporation in 1901; and,

**WHEREAS**, the Nome Code of Ordinances ("Code") is silent about the rules and regulations for the governance of that property; and,

**WHEREAS**, by R-13-02-1, the Nome City Council ("Council") adopted policies and procedures for the operation of the morgue building, which is located on the property; and,

**WHEREAS**, on January 25, 2016, the Mayor appointed an Ad Hoc Cemetery Committee ("Committee") to help guide managerial decisions regarding the future of the property; and,

**WHEREAS**, the Committee reviewed a number of municipal ordinances for the governance of cemeteries, eventually recommending that the City mirror the one used by Kenai as a starting point; and,

**WHEREAS**, the Code must now be formally amended to address the property itself;

**NOW, THEREFORE, BE IT ORDAINED**, that the Nome Common Council formally adopts Chapter 14 of the Nome Code of Ordinances to Regulate the Nome Municipal Cemetery.

**Section 1. Creation of Chapter 14.** Chapter 14 of the Code of Ordinances of Nome, Alaska is hereby created to read as follows [deleted text is ~~overstruck~~; added text is underlined]:

**Title 14 MUNICIPAL CEMETERY**

**Chapter 14.05 CREATION**

**Chapter 14.10 ADMINISTRATION**

**Chapter 14.15 REGULATIONS**

**Chapter 14.20 CARE OF CEMETERY**

**Chapter 14.30 NOME MUNICIPAL CEMETERY ADVISORY COMMITTEE**

**14.05 CREATION.**

#### **14.05.010 Creation.**

From and after the passage of the ordinance codified in this chapter, the municipal cemetery now owned and operated by the City of Nome shall be known as the Nome Municipal Cemetery, and shall be available, subject to the regulations established, to all persons, irrespective of race, creed or color.

#### **14.10 ADMINISTRATION.**

##### **14.10.010 Administration.**

The City Manager or his designee shall be in charge of assigning plots upon request, and have charge of burial records, files, and maps which shall be stored by the City of Nome. The City Manager or his designee shall maintain necessary records, files, and maps as required by the State of Alaska to protect the health and welfare of the community and to ensure continuity in operations. The City Manager or his designee shall assign a plot number to a specific plot in advance of the preparation of a grave whenever an interment is to be made.

##### **14.10.020 Enforcement.**

The City Manager or his designee shall enforce all cemetery regulations and shall exclude from the cemetery any person violating the cemetery regulations.

#### **14.15 REGULATIONS.**

##### **14.15.010 Adoption of regulations.**

The City Manager or his designee shall establish regulations for the purchase of plots and the use of the cemetery.

#### **14.20 CARE OF CEMETERY.**

##### **14.20.010 Maintenance of cemetery.**

The City of Nome is responsible for the appearance of the Nome Municipal Cemetery. The maintenance of the cemetery shall be accomplished through a program administered by the City Manager or his designee. The City of Nome shall maintain the cemetery and may close access to its facilities in periods of adverse conditions.

##### **14.20.020 Operation of cemetery.**

The City of Nome reserves the right at any time to enlarge, reduce, replat or change the boundaries or grading of the City tracts in the Nome Municipal Cemetery or any part thereof; to modify or change location of or move or regrade roads, drives, or walks, or any part thereof. The City of Nome reserves for itself the perpetual right to ingress and egress over all plots for the purpose of maintenance, operations, or any emergency work necessary to the operation of the cemetery.

##### **14.20.030 Grave preparation.**

All opening, closing, plot preparation, interment, disinterment, marker placement and removal shall be overseen by the City and under the supervision of the City Manager or his designee.

#### **14.30 NOME MUNICIPAL CEMETERY ADVISORY COMMITTEE.**

##### **14.30.010 Duties and powers.**

(a) There is established a Nome Municipal Cemetery Advisory Committee of not to exceed nine (9) community members, each subject to both appointment and removal by the Mayor.

(b) The committee shall act in an advisory capacity to the City in matters of policy concerning the Nome Municipal Cemetery regarding the following matters:


(1) Planning and development of the cemetery addition and its integration into the existing cemetery;

(2) Preservation of the history of the Nome Municipal Cemetery;

(3) Performance of other duties as the Mayor or City Manager may designate from time to time.

**Section 2. Effective Date.** This ordinance is effective upon passage.

APPROVED and SIGNED this 10<sup>th</sup> day of April, 2017.

  
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RICHARD BENEVILLE,  
Mayor

ATTEST:

  
\_\_\_\_\_  
THOMAS MORAN,  
Manager



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## **AGENDA STATEMENT**

**Meeting Date:** April 7, 2017  
**From:** Tom Moran, City Manager  
**Subject:** O-17-03-02 (Nome Municipal Cemetery)

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### **Background & Justification:**

The City of Nome is the owner of the land that is (and has historically been) used as a cemetery. As such, it is time for us to formally recognize that and usher in the responsibilities that follow. The attached ordinance is the most basic one that we could find from a similarly situated Alaskan community (Kenai). After only *one* meeting of the Ad Hoc Cemetery Committee, Administration was advised to move forward with presenting it to the Council for adoption. Now that burial season is upon us, we're doing just that.

This ordinance is intended to be a "living and breathing" document, so please don't balk if you think it's not perfect. In fact, if you'd like to amend all job assignments to read "the City Manager or his designee," I'd be perfectly willing to concede that point.

### **Recommendation:**

That the Nome Common Council adopt O-17-03-02, thereby allowing City Staff to begin the monumental task of fixing a century's worth of unregulated confusion.