

**Fair Oaks Cemetery District**

**Rules & Regulations**

**Adopted 03-12-2012**

**Revised 11-16-2022**

**Rules & Regulations**

**A. Definitions** – As used in these Rules and Regulations, the following terms shall have the following meaning:

1. "Board" shall mean the Board of Trustees of the Fair Oaks Cemetery District.
2. "District" shall mean the Fair Oaks Cemetery District
3. "Cemetery" shall mean the Fair Oaks Cemetery owned and operated by the District.
4. "Manager" shall mean the District Manager of the Fair Oaks Cemetery District.
5. "Interment" means the disposition of human remains by burial in a Cemetery, or in the case of cremated remains, by inurnment, placement, or burial in a Cemetery.
6. "Commingling" means to "mix together with" or in other words to place cremains with other cremains in the same place.
7. "Interment Right" means the authorization purchased from the District to inter human remains in the ground or niches, urns, or other disposition.
8. "Plot" as used herein means the in-ground burial space for the Interment or inurnment of human remains.
9. "Ossuaries" means the containers or receptacles, such as urns or vaults in a designated in-ground location for the Interment of cremated remains.
10. "Owner" shall mean one who has purchased Interment Rights.
11. "Vases" shall mean receptacles intended for floral tributes and installed by the District flush to the ground or in the marker foundation.
12. "Markers" as used herein means any plaque, stone, or other item used to mark the location of an Interment or memorialize a person interred in the Cemetery, and shall include flat, pillow, upright, and monument grave markers, as well as any plaque affixed to any post, niche, plate, or elsewhere.
13. "Marker Foundation" shall mean a permanent cement foundation pad for the marker/headstone, where required.
14. "Base" shall mean what the marker resides or sets upon the Marker Foundation.
15. "Niche" shall mean the receptacle or space in a wall or bank of spaces for the purposes of inurnment of cremated remains.
16. "Niche Fascia" or "Niche Front" means the cover plate over the space that the cremated remains reside within.
17. "Niche Plate, Scroll Plate, or Staff Bar" shall mean the bronze marker on the fascia that designates the person who resides within the space.

**B. Care of Graves, Niches, and Cemetery Grounds –** The absolute control of the Cemetery grounds in every particular is vested in the Board. Plot Owners, Niche Owners, Visitors, and others are entitled only to such privileges within the grounds as are provided by these Rules and Regulations. Subject to the control of the Board, following are the rules regulating the general care of the graves, niches, and Cemetery grounds.

1. Interment Rights in the Cemetery are conveyed for Interment purposes only.
2. The Cemetery gates shall be opened, daily at 8a.m. and closed at 7:30p.m. or dusk. There is no admission to the grounds when the gates are closed.
3. Each day, the Cemetery will be examined by staff for possible dangerous conditions. The results will be noted in a written log. The log will include: (1) the date the inspection was performed; (2) the person(s) who performed the inspection (verified with their initials or signature); (3) the findings (if any) of the inspection; and (4) any action taken to remedy the conditions found and the date such action was completed. (Adopted 1-9-2013)
4. The Fair Oaks Cemetery is an old, historic Cemetery, which may contain hazards such as tree roots, sunken areas, rodent holes, raised and lowered areas, coping surrounding plots, numerous grave markers of many types and some well over 100 years old, and other potentially hazardous conditions. Possible Hazardous signage is posted. Wildlife exists within the Cemetery grounds. Be cautious of all wild animals. Do not feed them as they may become aggressive. The animals are wild and do not belong to the Cemetery; therefore, we are not responsible from any damage they may cause to persons or property. Every person entering onto the Cemetery shall be responsible for his or her own safety and shall exercise due caution and care.
5. No animals, with the exception of service dogs which must accompany their Owners, are allowed on Cemetery grounds without the permission of the Manager.
6. No person not employed by the District shall trespass on any plot of which he/she is not the Plot Owner. All persons shall confine themselves to the roadways, paths or public places provided for public use within the Cemetery grounds, except when accessing a particular Plot or Niche. All children must be under the control of an adult.
7. No person not employed by the District shall plant, maintain, or adorn any trees, shrubs, or flowers on the Cemetery grounds. If any tree, shrub, plant, or vine situated on any plot shall by reason of roots, branches, height, shade, or otherwise become detrimental or unsightly to adjacent plots, paths, streets, or Cemetery grounds, the Manager or authorized District personnel may enter upon such plot and remove or trim such trees, shrubs, plants, or vines as deemed necessary. Donations of trees are acceptable, but trees must be selected and planted by and under direction of the Board.
8. No person not employed by the District shall remove any earth or in any way damage the Cemetery grounds or place or pour sand, gravel, rocks, cement, or any metal of any kind in the vases, around the markers, the Plot or on Cemetery property.
9. Flowers may be placed only in vases provided in the ground or Marker Foundations or, if not yet installed, in unbreakable containers placed at the head of the Plot. Not more than two (2) vases/containers shall be permitted on anyone (1) in-ground Plot. Flowers in such containers will be removed by District personnel as they become unsightly. Any flowers or item disposed of by the Plot Owner should be place in the trash receptacles

provided for that purpose throughout the Cemetery grounds. Unauthorized containers will be removed by District personnel.

10. The Board reserves the right to remove from any Plot, Marker, headstone, monument, or other structure, trees, flowers plants (plastic or real), or other objects which may conflict with the Rules and Regulations, or which may be considered a safety hazard or maintenance obstruction to the grounds, lawns, Plots, or person. Mylar balloons, pinwheels, shepard's hooks, statuary, and trinkets are prohibited. Such items removed by the District personnel will be held for thirty (30) days and thereafter destroyed. The District is not responsible for lost, stolen or damaged items.
11. Regulations established by the Sacramento/Yolo Mosquito Vector Control District require "watersorb" be used in all vases for the purpose of mosquito control. It is available for free at the District office.
12. No person shall burn any material within the Cemetery grounds.
13. **Oak Knoll Cremation Plots (cubbies)** – This rule pertains only to the cremation Plots in the Oak Knoll / Fountains section that have three-sided cinderblock walls. Above-ground containers are permitted with the following provisions: Containers must be made of metal, wood, or hard plastic. No breakable containers are allowed. The vases and containers may have only artificial flowers or live plants or flowers. The containers and contents must be confined entirely within the perimeter of the three (3) walls. The total height of the vases/containers and their contents shall not exceed that of the highest of the surrounding three (3) walls. Plots are limited to three (3) vases and three (3) pots/containers.
14. **Niches** – District is not responsible for lost, stolen, or damaged items.
  - i. Block 47 and Block 48 decorations will be limited to the vases provided below and in front of the niche walls. Fresh or artificial flowers may be used. All decorations must be placed only in the vases provided. No decorations will be placed in the openings or spaces of the Niche Fascia. Nothing shall be glued or attached to the Niche Fascia other than the picture and Scroll Plate.
  - ii. Oak Knoll niche decorations are limited to the bud vase provided and placed by the District. No other decorations are allowed.
15. The Board reserves the right to make improvements to any Plot, Niche, or any public portion of the Cemetery grounds at any time at the cost of the District.

**C. Markers** – Subject to the Rules and Regulations set forth herein, and as they may be amended from time to time, grave Markers may be placed on Interments in the Fair Oaks Cemetery. Although such Markers, as well as their placement and installation, must conform to the Rules and Regulations of the District, the Fair Oaks Cemetery District does not own or control any such Marker. After burial, the ground may settle for up to a year. It is recommended that the Marker is not placed during the first year (with exception for where Marker Foundations are pre-set). If a Marker is placed during the first year and it repositions, the Cemetery is not responsible for any damage as a result of placing the marker too soon after Interment. (adopted 3-13-2013). Accordingly, the Fair Oaks Cemetery District, its Trustees, Officers, Managers, and Employees are not responsible for the loss or damage to any Marker, unless such loss of damage is the

result of the negligence or misconduct of a Trustee, Officer, Manager, or Employee of the District.

If a damaged Marker has been in place in the Fair Oaks Cemetery for 25 years, and if the District is unable to locate a family member responsible for the care and upkeep of the Marker the District may, at its sole discretion, elect to either repair or replace the damaged Marker.

The District reserves the rights to repair, replace, or remove any Marker that, in the sole discretion of the District, constitutes a potential threat to public safety.

The following regulations govern Markers in the Cemetery:

1. All Markers, Stones, and Monuments must comply with the District's Marker Policy. All benches must have prior approval of the District Manager as to placement and safety. No curbing is allowed.
2. All markers must be made of only granite, marble (Veterans Administration upright Markers only), or standard bronze. Markers of other materials are not permitted.
3. Placement of Markers must take place Monday through Friday 8:00a.m. to 3:00p.m. The person setting the Marker must be finished and depart Cemetery grounds prior to 3:00p.m. Any person or company working on Markers must notify the District Office prior to doing any work and will not be permitted to perform any services on Cemetery grounds until proof of insurance, satisfactory to the District, has been provided.
4. All Markers shall be set in a four (4) inch thick concrete Marker Foundation, whose top surface is flush with the surrounding ground. A minimum of one (1) flower vase and a maximum of two (2) flower vases shall be set in each marker Foundation, except that no vases are permitted on second or subsequent Markers.
5. Cremation plots may only have one (1) flush-with-the-ground Marker, which must be placed on foundations that are set at sufficient below-ground depth to ensure the Marker is flush with the ground.
6. **Niche Plaques** will follow the example given.
  - Each line will accommodate a maximum of 17 characters including spaces, periods, dashes, etc., no exceptions, and no variations.

**RECOMMENDED CONFIGURATION:**

Line 1 = Name

Line 2 = Date of Birth

Line 3 = Date of Death

Line 4 = Personal message, a maximum of 17 characters, including spaces, periods, dashes, etc. (see example)

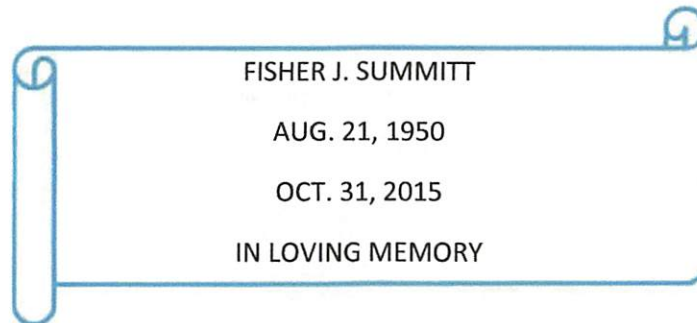
- The size of the Niche plaque will be 5 1/2 inches by 1 7/8 inches in the scroll design. No exceptions, no variations.
- The size and style of the Font will remain as it currently is no exceptions, no variations.

**APPROVED VARIATIONS TO RECOMMENDED CONFIGURATION.**

Option 1: If the Name is longer than 17 characters, the name can go on Line 1 and Line 2. The Date of Birth will move down to Line 3 and the Date of Death will move down to Line 4.

Option 2: If the Name is longer than 17 characters, the name can go on Line 1 and Line 2. The Year of Birth and the Year of Death can go on Line 3. A personal message, a maximum of 17 characters, including spaces, periods, dashes, etc. can go on Line 4.

Option 3: The Name can go on Line 1. The Year of Birth and the Year of Death can go on Line 2. A personal message, a maximum of 17 characters on each line, including spaces, periods, dashes, etc. can go on Line 3 and Line 4. (Additional fees will apply).



7. The District Manager must be notified before the removal of any Marker.
8. The District is not liable for damage, theft, vandalism, or deterioration of Markers or Benches.

**D. Interments** Plot Owners, Funeral Directors, and other authorized persons shall comply with the following regulations in the use of Plots for burial purposes.

1. Eligibility to purchase Interment rights in the Fair Oaks Cemetery District will be in compliance with California Health & Safety code, Sections 9060, 9061, and 9062. <sup>i</sup>
2. All interment arrangements shall be conducted through the administration/business office of the Fair Oaks Cemetery District.
3. A record shall be kept of every interment showing the date the human remains were received, the date of interment, the name and age of the person interred (when these particulars can be conveniently obtained), and the plot or niche in which the Interment was made.
4. No interment will be permitted in the Cemetery without an "authorization for Interment order" signed by an authorized member of the family of the deceased. If prior to his/her death, the descendant has signed custody of his/her remains to someone other than his/her family, then said custodian will sign the authorization. If the family requests the Funeral Director to make the Interment arrangements, the family will fill out the authorization stating the services they wish the District to provide and the location of the grave they wish to use for Interment. In accordance with Health & Safety Code, Sections 7104 and 7111<sup>ii</sup>, if there are no known survivors or in the case of indigent dead, the county coroner will give the authorization. Interment orders must be signed by the person ordering burials before graves opened.

5. The Fair Oaks Cemetery District shall be given at least seventy-two (72) hours' notice for a planned Interment.
6. No more than eight graves will be sold to any one individual.
7. No plot Owner shall allow any Interment to be made in his or her plot for remuneration. No Interment right may be purchased for investment or speculation.
8. No services in connection with an Interment will be made until all charges for such services, as fixed by the Board, have been paid in advance to the District.
9. All Interments will be made after 9:00 AM and completed prior to 3:00 PM each weekday, except on Saturday, when Interments must be completed by noon. An additional fee, as set by the Board, shall be charged for all Saturday Interments, except those ordered by a Public Health Officer.
10. No Interment shall be made on Sunday or any of the following holidays: 1st of January, Martin Luther King Jr's birthday, Lincoln's birthday, Presidents Day, Memorial Day, 4th of July, Labor Day, Juneteenth, Columbus Day, Veteran's Day, Thanksgiving Day, Thanksgiving Friday and Christmas Day unless interment is ordered by Public Health Officer or in case of an extreme emergency. In that case, such basis is to be determined jointly by the District Manager and the funeral director. No Saturday burials will be made on Holiday weekends.
11. The remains of the deceased shall be brought to the Cemetery in a closed casket or urn. A minimum container of a cloth covered wood casket with handles is required for all Interments except for cremated remains. In some cases, when a person has been disinterred from another Cemetery and will be reinterred in the District, and is in a container, this container must be an approved concrete, metal, or urn vault.
12. No opening or closing of a grave or the placement of any lawn crypt, vault, setup, or device shall be made by anyone except employees of the District.
13. At no time shall an employee of the District be allowed to open a casket.
14. Graves and niches:
  - i. All single adult graves shall be dug to a depth of five (5) feet at the center.
  - ii. The lower tier of a double Interment grave shall be dug to a depth of seven (7) feet at the center.
  - iii. Infant graves for domed liners shall be dug to a depth of thirty-six (36) inches at the center.
  - iv. Cremation site shall be dug to a depth of twenty-four (24) inches.
  - v. No more than one cremains will be permitted in a single cremation niche, and no more than two cremains will be permitted in a double cremation niche.
  - vi. No more than four cremation Interments will be permitted in a cremains grave, provided the cremains fit into a small urn vault (Interior dimensions: 9.75" long by 7.5" wide by 5" high.)
  - vii. No more than two (2) full size Interments are allowed per grave, unless pre-approved by the District Manager.
15. Vaults of steel or concrete must be used for all full body casket Interments. **Please be advised that standard full body caskets cannot exceed dimensions of 29" wide by 48" long by 25" high, including all handles, attachments, and other decorative elements.** If the casket exceeds these dimensions, Fair Oaks Cemetery must have no less

than 72 hours' notice to install a vault that will accommodate larger caskets. There will be an additional charge for larger vaults and must be approved by a District Manager for the plot purchased.

**Failure to provide at least 72 hours' notice of oversized caskets will result in a burial service being delayed.**

16. For Interments of cremated remains, the vaults must be made of steel, concrete, fiberglass, or plastic. **No urn or other container may exceed total dimensions of 10" wide by 14" long by 11" high.**
17. Ossuaries
  - i. In the Oak Knoll Family Garden ossuary, there can be no more than six (6) commingled family cremated remains.
  - ii. The West Hill, block 48 Ossuary is the designated location to the Cemetery for generalized interment of commingled cremated remains.
  - iii. In the Oak Knoll section, between the Marker Foundations, there can be no more than four commingled family cremated remains.
  - iv. There is no possibility of retrieval or disinterment once the cremated remains have been commingled.
18. No grave shall be graded or mounded, and the top of the grave shall be level with the surrounding ground when the burial is fully settled.
19. Except when ordered by a court, disinterment will be at the discretion of the Board. No disinterment will be made without a "disinterment form" signed by the person or persons who have the legal right to control the remains. When allowed, District personnel will open the grave and remove or open the vault. The District shall not be responsible for removal of the casket or for any damages to the vault, casket, or remains.
20. The Fair Oaks Cemetery District does not permit the interment of an animal remains, unless interred with human remains. Animal remains will be permitted only if interred at the same grave and within the accompanying deceased casket or burial vault. All such animal remains must be contained within a separate container. Only cremated remains of animals will be permitted to be interred with human remains - whole body animal interments will not be permitted or accepted.

#### **E. Fees and Charges**

1. In accordance with Health & Safety code 9068,<sup>iii</sup> the Board shall establish the prices at which interment rates shall be sold, the fees for opening and closing of graves, the additional fees for performing such services other than during the normal times established by these rules and regulations, and the fees for all services performed by the District in connection with the use of the Cemetery grounds. A schedule of the current fees is available at all reasonable hours in the business office of the District and on our website at FairOaksCemetery.com
2. In accordance with California Health & Safety code 9061<sup>iv</sup> nonresident fees shall be charged for the interment of a person who is not a resident of, or paying taxes in the

District at the time of death, but who is otherwise eligible for Interment in the Cemetery of the District.

3. In accordance with California Health & Safety code 9065<sup>v</sup>, the Fair Oaks Cemetery District maintains an Endowment Care Fund and is an "endowment care Cemetery". Section 9065 also requires the payment of a contribution to the Endowment Care Fund for each interment right sold. In accordance with California Health & Safety code 8738<sup>vi</sup>, the Board shall establish the amount to be paid by purchasers for deposit into the Endowment Care Fund. Such amount paid into the endowment care fund is not refundable.
4. All fees must be paid in full prior to any interment, including the Endowment Fee. When the plot fee and the Endowment Care is paid in full, an Interment Right Certificate, signed by the Board of Trustees, will be issued for every Interment right sold.

**F. Interment in Fair Oaks Cemetery** - In addition to the provisions established by the California Health & Safety code for the operation of the District Cemeteries, the following rules and regulations shall apply:

1. Interment in the District Cemetery shall be limited to residents and taxpayers of the District, and their family members, in accordance with California Health & Safety code 9060, as the same now exists or may be hereafter amended.
2. Family member of a resident or taxpayer of the District is defined as any spouse, by marriage or otherwise, child or stepchild, by natural birth or adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin or any person denoted by the prefix "grand or great" or the spouse of any of these persons. (Cal. Health & Safety Code 9002)
3. Pursuant to California Health & Safety code 9061, a non-resident fee must be paid for the interment of any person otherwise qualifying for an Interment in a District Cemetery but a who is not a resident of the District at the time of death.
4. No interment right in any Cemetery owned and operated by the Fair Oaks Cemetery District shall be transferred or legal unless made in the office of, and signed by, the Trustees of the District.
5. The Fair Oaks Cemetery District shall keep a record of the Ownership of all interment rights in the Cemetery which have been conveyed by the Cemetery authority and of all transfers of such rights in the Cemetery California Health & Safety code 9064
6. Transfer of any interment right shall be complete and effective when recorded in the books of the Cemetery authority.
7. Each purchaser of an interment right shall be issued a Certificate of Purchase. The interest acquired by such purchasers should not be an interest in real property, but shall be simply the revocable right granted to the certificate holder to use subplot, or niche for an Interment purpose in accordance with these rules and regulations. An assignment may be made of Interment rights by the purchaser to a family member of the purchaser's family, as defined in the California Health & Safety Code which assignment will be recognized by the District, whether set assignment is made during the purchaser's lifetime or is made by will or device. The use of any such interment rate shall be permitted only in accordance with California Health & Safety code. In the event



the Owner of such internment right does not qualify for internment in the District Cemetery or does not wish to use the plot or niche, such internment right may be transferred only to the District and not to any other person or entity. If a certificate holder desires to sell his or her internment right to the District the District will pay the holder of the original purchase price, as near as can be determined, less any endowment care fund deposit, if paid.

- G. Liability** - please use caution when entering and using the Cemetery. Fair Oaks Cemetery District, its trustees and employees, are not responsible for any injury or damage suffered by any persons, including children, while on Cemetery grounds. Every person entering the Cemetery does so at his or her own risk. The District or any of its employees shall not be responsible for anything of movable character that may be lost, stolen, or misplaced on Cemetery property.
  
- H. All Rules and Regulations** - any previously adopted rules and regulations that are inconsistent with the foregoing and are hereby repealed. The Board reserves the right of passing other rules and regulations, or amending these rules and regulations, at any time the occasion arises.

**PASSED, APPROVED, AND ADOPTED** by the Board of trustees of the Fair Oaks Cemetery District in a regular meeting held at its regular place of meeting the **14th day of March 2012**.

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**<sup>i</sup> HEALTH & SAFETY CODE - HSC**

**DIVISION 8. CEMETERIES [8100 - 9703]**

*(Division 8 enacted by Stats. 1939, Ch. 60.)*

**PART 4. PUBLIC CEMETERY DISTRICTS [9000 - 9093]**

*(Part 4 repealed and added by Stats. 2003, Ch. 57, Sec. 5.)*

**CHAPTER 5. Interments [9060 - 9069]**

*(Chapter 5 added by Stats. 2003, Ch. 57, Sec. 5.)*

**9060.**

- (a) A District shall limit Interment in a Cemetery owned by the District to Interment in the ground, in columbariums, and in mausoleums, as provided in this part.
- (b) A District shall limit Interments to:
- (1) Persons who are residents of the District.
  - (2) Persons who are former residents of the District and who acquired Interment rights while they were residents of the District.
  - (3) Persons who pay property taxes on property located in the District.
  - (4) Persons who formerly paid property taxes on property located in the District and who acquired Interment rights while they paid those property taxes.
  - (5) Eligible nonresidents of the District, as provided in this chapter.
  - (6) Persons who are family members of any person described in this subdivision.

*(Added by Stats. 2003, Ch. 57, Sec. 5. Effective January 1, 2004.)*

**9061.**

(a) A District may inter a person who is not a resident of the District or a person who does not pay property taxes on property located in the District in a Cemetery owned by the District if all of the following apply:

- (1) The District has an endowment care fund that requires at least the minimum payment set pursuant to Section 9065.
- (2) The District requires the payment of a nonresident fee set pursuant to Section 9068. A Board of Trustees may adopt a written policy that permits waiving the payment of the nonresident fee for a nonresident who had purchased an Interment right while a resident or a taxpayer.
- (3) The person meets the conditions listed in one or more of subdivisions (b) through (e).

(b) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if the person is a family member of a person who is already interred in a Cemetery owned by the District or is a family member of a person who has acquired Interment rights in a Cemetery owned by a District.

(c) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if all of the following apply:

- (1) The person was a resident of the District or paid property taxes on property located in the District for continuous period of at least five years, a portion of which time period shall have occurred within the 10 years immediately before the person's death.
- (2) The District receives a written request for the Interment of the person from a person who is a resident of the District or who pays property taxes on property located within the District, and the person submitting the written request is not a Trustee, officer, or employee of the District and is not a funeral director or an employee of a funeral director.

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(3) The Board of Trustees determines that the Cemetery has adequate space for the foreseeable future.

(d) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if all of the following apply:

(1) The person was a resident of this state at the time of death.

(2) There is no private Cemetery within a straight-line radius of 15 miles of the person's residence.

(3) There is no private Cemetery nearer to the person's residence than the nearest Cemetery owned by the District.

(4) The distances shall be measured in a straight line from the person's residence to the nearest private Cemetery and the nearest Cemetery owned by the District.

(e) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if all of the following apply:

(1) The person died while either:

(A) Serving in the Armed Forces or the active militia, or

(B) In the line of duty as a peace officer or firefighter.

(2) The Board of Trustees determines that the Cemetery has adequate space for the foreseeable future.

*(Added by Stats. 2003, Ch. 57, Sec. 5. Effective January 1, 2004.)*

#### 9062.

Notwithstanding Section 9060, the Board of Trustees may contract with any county in which the District is located to inter persons for whose Interment the county is responsible pursuant to Chapter 10 (commencing with Section 27460) of Division 2 of Title 3 of the Government Code or Chapter 3 (commencing with Section 7100) of Part 1 of Division 7 of this code, if all of the following apply:

(a) The Board of Trustees determines that the Cemetery has adequate space for the foreseeable future.

(b) The District has an endowment care fund that requires at least the minimum payment set pursuant to Section 9065.

(c) The contract requires the county to pay the costs of the Interment, including a payment to the District's endowment care fund.

*(Added by Stats. 2003, Ch. 57, Sec. 5. Effective January 1, 2004.)*

ii **7104** (a) When no provision is made by the decedent, or where the estate is insufficient to provide for Interment and the duty of Interment does not devolve upon any other person residing in the state or if such person cannot after reasonable diligence be found within the state the person who has custody of the remains may require the coroner of the county where the decedent resided at time of death to take possession of the remains and the coroner shall inter the remains in the manner provided for the Interment of indigent dead.

(b) A county exercising jurisdiction over the death of an individual pursuant to Section 27491, or who assumes jurisdiction pursuant to Section 27491.55 of the Government Code, shall be responsible for the disposition of the remains of that decedent. If the decedent is an indigent, the costs associated with disposition of the remains shall be borne by the county exercising jurisdiction.

*(Amended by Stats. 1988, Ch. 1139, Sec. 2.)*

#### 7104.1.

If, within 30 days after the coroner notifies or diligently attempts to notify the person responsible for the Interment of a decedent's remains which are in the possession of the coroner, the person fails, refuses, or neglects to inter the

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remains, the coroner may inter the remains. The coroner may recover any expenses of the Interment from the responsible person.

*(Amended by Stats. 2001, Ch. 436, Sec. 18. Effective January 1, 2002.)*

#### 7111.

A Cemetery authority or crematory may make an Interment or cremation of any remains upon the receipt of a written authorization of a person representing himself or herself to be a person having the right to control the disposition of the remains pursuant to Section 7100.

A Cemetery authority or crematory is not liable for cremating, making an Interment, or for other disposition of remains permitted by law, pursuant to that authorization, unless it has actual notice that the representation is untrue.

*(Amended by Stats. 2002, Ch. 819, Sec. 7. Effective January 1, 2003.)*

#### iii 9068.

(a) The Board of Trustees shall adopt a schedule of fees for Interments in cemeteries owned by the District and for other necessary and convenient services.

(b) The Board of Trustees shall also adopt a schedule of fees for nonresidents. The Board of Trustees shall set these fees at an amount that at least equals the amount of fees charged to residents or taxpayers and shall include a nonresident fee of at least 15 percent of that amount.

*(Added by Stats. 2003, Ch. 57, Sec. 5. Effective January 1, 2004.)*

#### iv 9061.

(a) A District may inter a person who is not a resident of the District or a person who does not pay property taxes on property located in the District in a Cemetery owned by the District if all of the following apply:

(1) The District has an endowment care fund that requires at least the minimum payment set pursuant to Section 9065.

(2) The District requires the payment of a nonresident fee set pursuant to Section 9068. A Board of Trustees may adopt a written policy that permits waiving the payment of the nonresident fee for a nonresident who had purchased an Interment right while a resident or a taxpayer.

(3) The person meets the conditions listed in one or more of subdivisions (b) through (e).

(b) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if the person is a family member of a person who is already interred in a Cemetery owned by the District or is a family member of a person who has acquired Interment rights in a Cemetery owned by a District.

(c) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if all of the following apply:

(1) The person was a resident of the District or paid property taxes on property located in the District for continuous period of at least five years, a portion of which time period shall have occurred within the 10 years immediately before the person's death.

(2) The District receives a written request for the Interment of the person from a person who is a resident of the District or who pays property taxes on property located within the District, and the person submitting the written request is not a Trustee, officer, or employee of the District and is not a funeral director or an employee of a funeral director.

(3) The Board of Trustees determines that the Cemetery has adequate space for the foreseeable future.

(d) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if all of the following apply:

(1) The person was a resident of this state at the time of death.

(2) There is no private Cemetery within a straight-line radius of 15 miles of the person's residence.

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(3) There is no private Cemetery nearer to the person's residence than the nearest Cemetery owned by the District.

(4) The distances shall be measured in a straight line from the person's residence to the nearest private Cemetery and the nearest Cemetery owned by the District.

(e) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if all of the following apply:

(1) The person died while either:

(A) Serving in the Armed Forces or the active militia, or

(B) In the line of duty as a peace officer or firefighter.

(2) The Board of Trustees determines that the Cemetery has adequate space for the foreseeable future.

*(Added by Stats. 2003, Ch. 57, Sec. 5. Effective January 1, 2004.)*

**v 9065.**

(a) The Board of Trustees shall create an endowment care fund.

(b) The Board of Trustees shall require a payment into the endowment care fund for each Interment right sold. The amount of the payment shall be not less than the minimum amounts set by Section 8738.

(c) The Board of Trustees may require a payment into the endowment care fund for each Interment where no payment has previously been made. The amount of the payment shall be not less than the minimum amounts set by Section 8738.

(d) The Board of Trustees may pay into the endowment care fund any money from the District's general fund and from any other sources which is necessary or expedient to provide for the endowment care of the cemeteries owned by the District.

(e) The Board of Trustees shall not spend the principal of the endowment care fund.

(f) The Board of Trustees shall cause the income from the endowment care fund to be deposited in an endowment income fund and spent solely for the care of the cemeteries owned by the District.

*(Added by Stats. 2003, Ch. 57, Sec. 5. Effective January 1, 2004.)*

**vi 8738.**

(a) For purposes of this section, "net price" means the retail price less any discounts the Cemetery provides to consumers for the purchase of an Interment space.

(b) An endowment care Cemetery is one which has deposited in its endowment care fund the minimum amounts heretofore required by law and shall hereafter have deposited in its endowment care fund at the time of or not later than completion of the initial sale not less than the following amounts for plots sold or disposed of:

(1) Either 3 percent of net price or one hundred fifty dollars (\$150), whichever is greater, with a required deposit not to exceed three thousand dollars (\$3,000), for each grave.

(2) Either 3 percent of net price or seventy-five dollars (\$75), whichever is greater, with a required deposit not to exceed three thousand dollars (\$3,000), for each niche.

(3) Either 3 percent of net price or one hundred fifty dollars (\$150), whichever is greater, with a required deposit not to exceed three thousand dollars (\$3,000), for each crypt.

(4) Either 3 percent of net price or seventy-five dollars (\$75), whichever is greater, for the cremated or hydrolyzed remains of each deceased person scattered in the Cemetery at a garden or designated open area that is not an Interment site subject to paragraph (1).

(c) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

*(Amended by Stats. 2021, Ch. 442, Sec. 5. (AB 651) Effective January 1, 2022. Repealed as of January 1, 2023, by its own provisions. See later operative version added by Sec. 6 of Stats. 2021, Ch. 442.)*

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**8738.**

(a) For purposes of this section, "net price" means the retail price less any discounts the Cemetery provides to consumers for the purchase of an Interment space.

(b) An endowment care Cemetery is one which has deposited in its endowment care fund the minimum amounts heretofore required by law and shall hereafter have deposited in its endowment care fund at the time of or not later than completion of the initial sale not less than the following amounts for plots sold or disposed of:

(1) Either 6 percent of net price or two hundred dollars (\$200), whichever is greater, with a required deposit not to exceed six thousand dollars (\$6,000), for each grave.

(2) Either 6 percent of net price or one hundred dollars (\$100), whichever is greater, with a required deposit not to exceed six thousand dollars (\$6,000), for each niche.

(3) Either 6 percent of net price or two hundred dollars (\$200), whichever is greater, with a required deposit not to exceed six thousand dollars (\$6,000), for each crypt.

(4) Either 6 percent of net price or one hundred dollars (\$100), whichever is greater, for the cremated or hydrolyzed remains of each deceased person scattered in the Cemetery at a garden or designated open area that is not an Interment site subject to paragraph (1).

(c) This section shall become operative on January 1, 2023.

(d) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

*(Repealed (in Sec. 5) and added by Stats. 2021, Ch. 442, Sec. 6. (AB 651) Effective January 1, 2022. Operative January 1, 2023, by its own provisions. Repealed as of January 1, 2024, by its own provisions. See later operative version added by Sec. 7 of Stats. 2021, Ch. 442.)*

**8738.**

(a) For purposes of this section, "net price" means the retail price less any discounts the Cemetery provides to consumers for the purchase of an Interment space.

(b) An endowment care Cemetery is one which has deposited in its endowment care fund the minimum amounts heretofore required by law and shall hereafter have deposited in its endowment care fund at the time of or not later than completion of the initial sale not less than the following amounts for plots sold or disposed of:

(1) Either 10 percent of net price or two hundred fifty dollars (\$250), whichever is greater, with a required deposit not to exceed ten thousand dollars (\$10,000), for each grave.

(2) Either 10 percent of net price or one hundred fifty dollars (\$150), whichever is greater, with a required deposit not to exceed ten thousand dollars (\$10,000), for each niche.

(3) Either 10 percent of net price or two hundred fifty dollars (\$250), whichever is greater, with a required deposit not to exceed ten thousand dollars (\$10,000), for each crypt.

(4) Either 10 percent of net price or one hundred fifty dollars (\$150), whichever is greater, for the cremated or hydrolyzed remains of each deceased person scattered in the Cemetery at a garden or designated open area that is not an Interment site subject to paragraph (1).

(c) This section shall become operative on January 1, 2024.

*(Repealed (in Sec. 6) and added by Stats. 2021, Ch. 442, Sec. 7. (AB 651) Effective January 1, 2022. Operative January 1, 2024, by its own provisions.)*

**8738.1.**

In addition to the requirements of Section 8738 any endowment care Cemetery hereafter established shall also have deposited in its endowment care fund the additional sum of twenty-five thousand dollars (\$25,000), or thirty-five thousand dollars (\$35,000) if established on or after January 1, 1977, before disposing of any plot or making any sale thereof.

*(Amended by Stats. 1976, Ch. 525.)*

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8738.2.

The endowment care fund under the provisions of this code shall be kept separate and apart from all other Cemetery funds. Separate records and books shall be kept of the endowment care fund. The amount to be deposited in the endowment care fund shall be separately shown on the original purchase agreement and a copy delivered to the purchaser. In the sale of Cemetery property, no commission shall be paid a broker or salesman on the amount deposited by the purchaser in the fund.

*(Added by Stats. 1955, Ch. 595.)*