



MUNICIPAL CODE  
OF THE  
VILLAGE OF  
Farnam, Nebraska

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ORDINANCE NO. 66, FARNAM CEMETERY

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## DEDICATION

to

S. F. PARKER

As an appreciation for the services rendered without ostentation or compensation by S. F. Parker, Farnam, Nebraska, to this community for more than thirty-five years as Secretary-Treasurer of The Farnam Cemetery Association before it was taken over by the Village of Farnam on April 26, 1938, hereafter to be maintained, supported and managed as a municipal cemetery according to law, Supplement I, Municipal Code, Volume I, this supplement publication to Farnam's local laws is fittingly dedicated.

George R. Mann, Lawyer  
514 Federal Securities Building  
Lincoln, Nebraska  
Village Attorney  
and  
Reviser and Compiler  
Supplement I  
Municipal Code  
1938

## ORDINANCE NO. 66

## FARNAM CEMETERY

An ordinance providing for the maintenance, management and control of Farnam Cemetery of the Village of Farnam, Dawson County, Nebraska; fixing lot prices therein; providing for the creation of a Cemetery Board, their number, appointment, qualifications, terms, officers, powers and duties; prescribing the annual levy of a cemetery tax and for the disbursement thereof; providing for perpetual care of cemetery lots when sold and deeded to purchasers; providing for the investment of the "Farnam Cemetery Perpetual Care Fund;" providing for the repeal of prior ordinances in conflict; prescribing the time when this ordinance shall be in full force and take effect; and providing a penalty for injuring cemetery property.

*Be It Ordained by the Chairman and Board of Trustees of the Village of Farnam, Nebraska:*

13-401 to 13-404, C. S. N., 1929.

Section 1. CEMETERY BOARD, NUMBER, APPOINTMENT.—The Chairman of the Board of Trustees of the Village of Farnam, Nebraska, by and with the consent of the Village Board, or a majority thereof, shall appoint a board of six members to be known as the "Cemetery Board" of the village, who shall serve without pay and who shall have the entire control and management of Farnam Cemetery, any subsequent addition thereto, or any other cemetery belonging to said village.

Sec. 2. QUALIFICATION, TERM, OATH, VACANCIES.—The members of the Cemetery Board shall be selected from among the citizens at large of said village: *Provided*, neither the Chairman nor any member of the Village Board of said village shall be eligible to membership on said Cemetery Board while holding said office of village trustee. On the last Tuesday succeeding the general election in April, 1939 and on the last Tuesday succeeding the general election in each year thereafter the Chairman with the consent of the village board, or a majority thereof shall appoint two members to the Cemetery Board for a term of three years, said term to commence on the first day of June next succeeding their appointment. Each appointee before assuming the duties of his office shall in the presence of the Village Clerk take and subscribe to the oath required of village officers of whom no bond is required; and said oath shall be filed in the office of the Village Clerk: *Provided*, on April 26, 1938, the Chairman with the consent of the village board shall appoint two members of the Cemetery Board for a term ending the first day of June, 1939, two members of the Cemetery Board for a term ending June 1, 1940, and two members of the Cemetery Board for a term ending the first day of June, 1941. Vacancies in the Cemetery Board shall be filled in like manner as regular members of said board are appointed and qualified.

Sec. 3. CEMETERY TAX, ANNUAL LEVY; CEMETERY FUND, CUSTODY, DISBURSEMENT.—The Chairman and Board of Trustees for the purpose of defraying the cost of the care, management, improvement, beautification and welfare of said cemetery, may each year levy a tax not exceeding one mill on the dollar of actual valuation on all the real estate and personal property that is

subject to taxation according to the laws of the State of Nebraska. Said taxes shall be collected and paid to the Village Treasurer as taxes for general municipal purposes are collected and paid to the village, and when collected and paid over to the Village Treasurer, shall constitute and be known as the "*Cemetery Fund*" of the village of Farnam, Nebraska, and shall be used for the general care, management, improvement, beautification and welfare of said cemetery and for no other purpose. Said Cemetery Fund, and all moneys inuring thereto, as other funds of said village shall always remain in the custody of the Village Treasurer, and shall be disbursed only by the Village Treasurer, strictly in accordance with the provisions of this ordinance, by warrants drawn by the Cemetery Board in the manner hereinafter provided.

Sec. 4. ORGANIZATION, OFFICERS, ELECTION; CHAIRMAN, SECRETARY, POWERS, DUTIES.—The Cemetery Board shall meet during the month of June in each year at such time as said board by their own rules fix and shall elect from their own number a Chairman, and a Secretary,—who need not be a member of said board,—for the ensuing year: *Provided*, the members of said board appointed on April 26, 1938, shall meet and organize within ten (10) days from and after the date of their appointment and qualification according to the provisions of this ordinance. The Chairman shall preside at all meetings of said board, shall sign all warrants for money to be paid out of the said Cemetery Fund and shall execute and sign all contracts and such other written instruments on behalf of said board as may be necessary or required in conducting the business of said board. The Secretary shall keep a true and complete record of the proceedings of said board, shall draw and countersign all

warrants for the payment of money out of said Cemetery Fund; shall attest all contracts and other written instruments of said board; shall keep a true and correct list of the lots sold and to be sold with the price thereof, the same also to be indicated and kept current on accurate maps or plats of said cemetery in the possession of said Secretary prepared and kept as hereinafter provided; shall keep a true and accurate account of the receipts and expenditures of said board; and shall file an annual report of the same with the Village Clerk on or before April first of each year. No warrant shall be issued on the Cemetery Fund by the Chairman and Secretary, as aforesaid, except on claims filed, verified by the oath of the claimant, audited and allowed by action of the Cemetery Board or a majority of the members thereof, at regular or special meetings of said board, and the minutes of the proceedings of the Cemetery Board shall set forth in detail the allowance, disallowance or other disposition of all claims filed.

**Sec. 5. LABOR AND ASSISTANTS.**—Said Cemetery Board is hereby empowered to employ such labor and assistants as may be needful in caring for, improving, beautifying and maintaining said cemetery and to purchase implements, equipment and material suitable and necessary for said purposes from among persons not belonging to said board.

**Sec. 6. FREE BURIAL PLAN.**—The Cemetery Board shall set apart, whenever it may be deemed necessary, a sufficient portion of said cemetery grounds as a free burial place for the interment of any dead person, who may die within the Village of Farnam, Nebraska; and said grounds shall be kept and ornamented the same as the rest of the cemetery.

**Sec. 7. BURIAL PROHIBITED IN OTHER PLACES.**

—No burial shall be permitted in any church yard, or any other place within the limits of this village, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined in any sum not exceeding One Hundred Dollars (\$100.00), and, in default of payment thereof, shall stand committed to the Village Jail until such fine and costs of prosecution are paid, secured or otherwise discharged according to law.

**Sec. 8. SEXTON, APPOINTMENT; COMPENSATION; DUTIES, GENERAL.**—The Cemetery Board is hereby authorized to appoint a Sexton who shall serve until removed by the Cemetery Board, who shall perform such duties, and who shall receive as compensation a sum, agreed upon between the Sexton and the Cemetery Board. The said Sexton shall be a special police, without pay, when appointed as such by the Chairman and confirmed by the Board of Trustees.

**Sec. 9. GRAVES, SEXTON DIGS.**—It shall be the duty of the Sexton, upon receiving a burial permit signed by the Secretary, to locate and direct the party or parties named in the burial permit to the lot or part of a lot mentioned therein and to dig and excavate said grave in compliance with the rules of the Cemetery Board. Graves shall not be less than six feet deep: *Provided*, this regulation shall not be construed to prohibit the use of mausoleums or other recognized methods of interring dead bodies, if desired by lot purchasers and approved by the Cemetery Board.

**Sec. 10. GRAVE DIGGING, CHARGE FOR, SECRE-**

TARY COLLECTS.—It shall be the duty of the Secretary to charge and collect for excavating and digging all graves the sum of Eight Dollars (\$8.00) per grave for persons over the age of eighteen (18) years and the sum of Five Dollars (\$5.00) per grave for persons under the age of eighteen (18) years. Upon receipt of the grave digging charge, as aforesaid, the Secretary shall issue an order to the Sexton before the said grave shall be dug or excavated. The Cemetery Board shall have the right to dig and excavate all graves regardless of the method of interment used.

Sec. 11. OFFICIAL PLAT; LOT PRICES, FIXED.—The Cemetery Board, subject to the approval of the Chairman and Board of Trustees of this village, shall have the power to fix the purchase prices of lots and burial spaces in said cemetery which shall include one schedule of prices adequate to provide for the perpetual care of said lot as well as the cemetery in general in addition to the purchase price of lots without perpetual care but subject to annual assessments for maintenance, as hereinafter provided. The purchase prices of the lots and burial spaces, fixed as aforesaid, with and without perpetual care shall be publicly exhibited in the office of the Cemetery Board on a map or plat therein. The Secretary, in his monthly report to the Chairman and Board of Trustees as hereinafter required, shall include therein, among other things, a list of the lots or burial spaces sold during the preceding month, or since the date of his last report, legally describing them, together with the name of the purchaser, the price received for each lot or space and whether or not said lot is endowed with perpetual care. Future additions to said cemetery shall likewise be platted. Change in the schedule of prices of lots or burial spaces,

fixed as aforesaid, may hereafter be made upon a two-thirds majority vote of the Cemetery Board, if and when approved by the Chairman and Board of Trustees of said village.

Sec. 12. PERPETUAL CARE FUND CREATED; CEMETERY FUND ALLOCATED; DONATIONS TO.—Of the amount arising from the sale of lots or burial spaces in said cemetery, the Village Treasurer shall allocate and set apart the entire amount paid for perpetual care, if said lot be endowed with perpetual care, which is hereby fixed in the sum of One Hundred Dollars (\$100.00) per lot, heretofore or hereafter sold, in addition to the price of lots fixed in Section 11 of this ordinance, as a permanent fund to be known as the "*Farnam Cemetery Perpetual Care Fund*" of the Village of Farnam, Nebraska, which, together with the sum of Two Hundred Dollars (\$200.00), heretofore received from The Farnam Cemetery Association (Juillifs bequest), shall be a permanent fund, and as it accumulates shall be invested and kept invested in such interest bearing securities as the Board of Commissioners of Educational Lands and Funds is authorized by law to invest the educational funds of the State of Nebraska; and the income therefrom shall be used in the care, upkeep, ornamentation or maintenance of such lots and burial spaces and the cemetery in general. The Village of Farnam may receive money by donation, bequest or otherwise to be held in trust in perpetuity, and the money so received shall be invested as the "*Farnam Cemetery Perpetual Care Fund*" is herein required to be invested and the income derived therefrom shall be expended as the perpetual care fund is expended or as the donor may designate. The Village Treasurer shall be the custodian of the "*Farnam Cemetery Perpetual Care Fund*" which

shall be invested by a Board composed of the Chairman of the Board of Trustees, Village Clerk and Village Treasurer; and whenever investments are made by said investing board, the nature and character of the same shall be reported to the Chairman and Board of Trustees; and said investment report shall be made a matter of record by the Village Clerk in village board proceedings. All other moneys, including income from the perpetual care fund, accruing to the Cemetery Fund shall be credited, allocated, kept and disbursed by the Village Treasurer under the head of "Farnam Cemetery General Fund." The Village Treasurer shall take custody and control of any and all moneys in the two funds hereinbefore mentioned and the same shall hereafter be managed as provided in this ordinance.

**Sec. 13. CONVEYANCE OF LOTS, DEEDS TO PURCHASERS, MANDATORY RECORDING OF.**—The Secretary of the Cemetery Board is hereby authorized and directed to receive payment for all lots, parts of lots or burial spaces sold in said cemetery at the purchase prices fixed in accordance with Section 11 of this ordinance and upon receipt of such purchase price in cash or its equivalent the Secretary shall issue the burial permit required in Section 14 of this ordinance and shall prepare a deed or certificate for the purchaser or purchasers. At least once during each thirty days the Secretary shall present all deeds for lots, parts of lots or burial spaces bargained and sold during said period by the Cemetery Board to the Chairman of the Board of Trustees and Village Clerk for signature. The Village of Farnam is hereby authorized to convey lots, parts of lots and burial spaces in said cemetery by certificate signed by the Chairman of the Board of Trustees of said village and countersigned by the Village

Clerk under the seal of the village, specifying that the person to whom the same is issued is the owner of the lot or lots described therein by number, as laid down on the cemetery map or plat, for the purpose of interment; and such certificate shall vest in the purchaser or his or her heirs or assigns, a right in fee simple to such lot, lots, part of a lot or burial space for the sole purpose of interment under the regulations of the Chairman and Board of Trustees governing said cemetery; and the certificate shall be entitled to be recorded in the office of the Register of Deeds of Frontier County, Nebraska, without further acknowledgment, and such description of lots, parts of a lot or burial space shall be deemed and recognized as sufficient description thereof. Burial lots shall not be held and used for speculation and no lot proprietor shall permit, for compensation, interment in or upon any lot held by him. The Chairman and Board of Trustees deem it for the public good and welfare that all certificates issued, as aforesaid, be recorded. The grantee of each lot, part of a lot or burial space shall pay to the Secretary a fee of One Dollar (\$1.00) for recording expense and service, whereupon said Secretary within thirty days thereafter shall record grantee's certificate of ownership in the office of the Register of Deeds of Frontier County, Nebraska, pay the recording fee therefor and deliver said recorded certificate as directed by the purchaser. Transfers of certificates shall be made by surrender of original certificates to the Secretary who shall cancel the same, note such cancellation on the records of the Cemetery Board and shall issue new certificates in lieu thereof upon receipt of same fee for recording expense and service as in the case of issuing original certificates.

#### Sec. 14. CERTIFICATE OF DEATH; BURIAL PER-

MIT; REMOVAL PERMIT.—Every person or persons owning a lot, or part of a lot or burial space in said cemetery, before he is entitled to bury upon said lot, part of a lot or burial space, shall be required to furnish a burial or removal permit from the registrar, setting forth the name, age, sex, color and cause of death of said deceased person sought to be buried or removed, which burial or removal permit shall be filed in the office of the Secretary of the Cemetery Board, whereupon said Secretary shall issue a permit to said person or persons for the burial, interment or removal of said deceased person: *Provided*, in all cases where removal of the body of any deceased person is requested, the secretary of said Cemetery Board shall issue no permit to remove the same until the applicant for such removal shall have first complied with all the laws of the State of Nebraska with respect to the removal or disinterment of dead bodies.

Sec. 15. CARE OF LOTS, VILLAGE ASSUMES; MAINTENANCE ASSESSMENTS.—The Village of Farnam agrees to care for all lots, parts of lots or burial spaces in said cemetery, now platted or to be platted, through its Cemetery Board, and keep the said lots and grounds free from weeds. All lot owners who shall not have endowed their holdings with perpetual care shall pay an annual assessment to the Secretary of not exceeding Two Dollars (\$2.00), the exact amount to be determined each year by resolution of the Cemetery Board; and such assessment, when so levied and collected, shall be used for the general maintenance of said lot, fraction of a lot and said cemetery.

Sec. 16. CEMETERY BOARD, RULES AND REGULATIONS.—The Cemetery Board shall have the power to

adopt reasonable rules and regulations for the management of said cemetery, including the type of monuments which may be permitted or allowed and including the removal of the bodies of deceased persons from lots, not endowed with perpetual care, upon failure of the owners thereof who shall have neglected to pay maintenance assessments for such lot, part of a lot or burial space as provided in Section 15 of this ordinance. When said rules shall have been approved by the affirmative action of the Chairman and Board of Trustees of this village, and three copies thereof shall have been filed with the Village Clerk, as provided in Section 18-1501, C. S. Supp., 1937, said rules so adopted and filed shall become a part of this ordinance the same as though copied at full length herein.

Sec. 17. NAME.—The name of the cemetery shall be FARNAM CEMETERY.

Sec. 18. VIOLATION, PENALTY.—Any person who shall violate any of the provisions of this ordinance or who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument or grave stone or other structure placed in said cemetery, or any fence, or railing or other work for the protection or ornamentation of the cemetery or tombs, monuments or grave stones, or other structures for the same, or of any cemetery lot within this cemetery, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) and, in default of payment thereof, shall stand committed to the Village Jail until said fine and costs are paid, secured or otherwise discharged according to law.

Sec. 19. REPEAL OF PRIOR ORDINANCES IN CONFLICT.—All ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

Sec. 20. WHEN OPERATIVE.—This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Passed and approved April 26, 1938.

*Attest:*

R. P. Blackwood,  
Village Clerk.

A. B. CARMAN,  
Chairman, Board of Trustees.

(SEAL)

## AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA }  
VALLEY COUNTY } ss.

I, E. C. Leggett, of lawful age, being first duly sworn on oath, say that I am the General Manager of the Quiz Printing Company, a printing and publishing company in the City of Ord, in said county and state; that the foregoing Ordinance No. 66 of the Village of Farnam, Dawson County, Nebraska, was by the Quiz Printing Company, printed and published in pamphlet form in said City of Ord, in pursuance of the statutes of the State of Nebraska and the ordinances of said Village of Farnam, Nebraska, in such cases made and provided, and by order and under