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## **RESOLUTION NO. 2022-16**

### **A RESOLUTION ADOPTING REGULATIONS FOR RESTLAWN CEMETERY**

**WHEREAS**, Restlawn Cemetery is a county cemetery and it is necessary to revise and codify the rules of the Cemetery;  
and

**WHEREAS**, the Board of County Commissioners of Seward County, Kansas approves the codification and adoption of revised regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of Seward County, Kansas as follows:

#### **SECTION 1. ADOPTION OF RULES AND REGULATIONS OF RESTLAWN CEMETERY.**

The Rules and Regulations of Restlawn Cemetery are hereby amended and repealed. The following regulations are hereby adopted in their entirety:

### **RESTLAWN CEMETERY**

Restlawn Cemetery is owned and operated by Seward County, Kansas hereafter referred to as “the County” and known as Restlawn Cemetery, Restlawn Memorial Gardens and Liberal Memorial Gardens. It is an 8.6 acres cemetery, located 4 miles north of Liberal, Kansas on Highway 83.

Plot Owners in cemeteries often misunderstand the purpose and function of cemetery rules and regulations and the important part they play in the beautification and preservation of the grounds. Too often people are inclined to resent what they term “restriction on my rights and privileges.”

Fortunately for Seward County, residents of the community fully realize that cemetery rules are for the protection of the plot owner, safeguarding them from the misdirected sentiment and poor taste of those who might erect unsightly memorials or otherwise impair the dignity and beauty of the cemeteries.

#### **Conduct of Persons within the Cemetery:**

- 1) It is the utmost importance that there should be strict observance of all proprieties of the cemetery, whether embraced in these rules or not, as no improprieties shall be allowed and the cemetery sexton or administrative staff shall have power to prevent improper assemblages or actions.
- 2) The cemetery sexton or administrative staff is hereby empowered to enforce all Rules

and Regulations, and to exclude from the cemetery any person in violation of the same, and the cemetery sexton or administrative staff shall have charge of the grounds and buildings, and at all time, shall have supervision and control of all persons within the cemetery, including the conduct of funerals, traffic and employees.

- 3) To protect and promote the best interest of the cemetery, the cemetery sexton or administrative staff is authorized to make temporary additional rules, which are not covered by these Rules and Regulations.

### **Rules and Regulations:**

The cemetery owned and operated by the County and known as Restlawn Cemetery, Restlawn Memorial Gardens shall be governed, managed and operated under the following rules and regulation which are hereby adopted.

- 1) The County shall employ a cemetery sexton and such other help as may be necessary to properly tend and care for the cemetery.
- 2) The Seward County Clerk shall keep all records of the cemetery and procures suitable books and blanks for that purpose. A detailed map of the cemetery shall be kept in the Seward County Clerk's office.
- 3) Only human internments will be allowed with the exception of law enforcement agency canines that served in Seward County as further provided herein.
- 4) All work in the cemetery shall be done under the supervision of the cemetery sexton or administrative staff and all persons desiring to do work upon any lot or grave shall first consult the cemetery sexton or administrative staff and obtain permission.
- 5) Concrete or metal outer burial casket containers for adult burials are required in both Restlawn First and Second Additions. Restlawn Cemetery **does not** provide the outer burial casket containers (burial vault).
- 6) Burial vaults for cremation burials are optional. Restlawn Cemetery **does not** provide the burial containers (vault).
- 7) All burial containers, shall be erected under the supervision of the cemetery sexton or administrative staff during regular cemetery operational hours. All work of this kind shall be done as rapidly as possible and upon completion of the work, all rubbish shall be removed at once. Any person or persons engaged in such work shall be held responsible for any damage to monument, marker, trees, driveways or any other part of the cemetery.
- 8) All planting and care of trees, shrubs, and other plants will be done by the sexton.
- 9) The sexton, at his discretion, may remove trees, shrubs and plants that are detrimental to adjacent lots after attempts have been made to notify the owner.
- 10) All items that obstruct or hinder maintenance of cemetery grounds are prohibited. Items left on unmaintained lots will be removed. Any decorations that hinder mowing that are not removed by the Sunday, following Memorial Day will be removed. No stones, flags, decorations (example solar lights) or plants are allowed on the edge, middle or sides of the plot or around the base of the headstone due to mowing.
- 11) Full size grave covers (also known as ledgers) are not allowed in Restlawn Cemetery

First or Second Additions, unless individual/family grave covers exist prior to the adoption of these rules and regulations.

- 12) Only turf is acceptable for ground cover.
- 13) Only monument companies or licensed general contractors with the City of Liberal or Seward County will be allowed to erect monuments at Restlawn.
- 14) Only granite, marble or bronze can be used for monuments or markers.
- 15) All monument settings are required to have Quikrete, under all foundation bases for setting.
- 16) All stones, flags, decorations (example solar lights) or plants set by the owner of a plot must be in line with the headstone and must be within the boundary lines of that plot. No stones, flags, decorations (example solar lights) or plants are allowed on the edge, middle or sides of the plot or around the base of the headstone due to mowing.
- 17) The following items are specifically prohibited items as they may become defaced or unsightly and if so placed, will be removed according to the rules and regulations:
  - a) Marble chips, wood chips, rock of any kind on any grave or lot
  - b) Glass, wood or iron cases
  - c) Any borders of any kind, including wood, stone, rock, brick, solar lights or fences
  - d) Alcoholic or non-alcoholic beverage containers meant as decorations
  - e) Flower vases exception of vases attached to the monument
- 18) Burying flower vases or containers is not allowed.
- 19) No vehicle shall be permitted to drive any place within the cemetery excepting on the driveways. Exceptions to this are at the discretion of the cemetery sexton or administrative staff.
- 20) Pets shall not be allowed on the cemetery grounds.
- 21) It shall be the duty of the plot owner to notify the County Clerk's Office of any change in his or her mailing address. Notice sent to the plot owner at the last known mailing address on file in the County Clerk's office shall be considered sufficient and proper legal notification.
- 22) It shall be the duty of the plot owner to notify the County Clerk's Office of any ownership change by private sale between individuals.

Any Owner found in violation of the Rules will be notified by certified mail to the last known address, of the offense, time in which to correct the problem, consequences of not correcting the problem and procedure for appeal.

Restlawn Cemetery Sexton and Seward County will not be responsible for any damage that may be caused by resetting or moving due to burial opening or failure due to a noncompliance with Restlawn Cemetery rules and regulations.

### **Burial Plots/Spaces:**

- 1) Burial spaces may be purchased from the Seward County Clerk's Office. No grant or conveyance of burial rights in any lot or grave space shall be made by the county until the full purchase price of the lot, lots or space to be granted shall have been paid to the county in accordance to the rules for making such purchases.
- 1) The Seward County Clerk's office will hold a lot or lots for seven (7) days from the date of request.
- 2) Seward County will NOT participate in trading or selling lots for individuals.
- 3) Cremations can be buried, but no more than 2 cremation burials per plot.
- 4) One cremation burial will be permitted on a plot where a casket burial exists, with the buried cremation to be at the foot, side or top of the outer burial container.

**First Addition:** Lot size 50' wide x 10' long 1-foot setback for easement and water line.

Devotion, Veterans, Savior, 4 Seasons, Last Supper, Masonic Garden and  
Garden of the Apostles

- 1) First Addition spaces are \$250 plus Register of Deeds recording fee.
- 2) Only flush-ground type memorials are allowed in this addition.
- 3) Individuals who have proof of purchase but no assigned lots will be allowed to select lots, equivalent to the number purchased, from Restlawn First Addition.
- 4) Persons owning deeds in the Restlawn First Addition prior to August 1, 1999, will be able to exchange deeds for lots in the new Second Addition with additional fee difference and re-recording fees at the Register of Deeds Office.

The double depth plots located in Garden of Apostles have no spaces available for sale by Restlawn. The only plots available for sale are by individuals who already own plots there.

**Second Addition:** Lot size 5' wide x 12' long with 1 foot setback for easement and water line.

Garden of the Cross, Garden of the Shepherds, Garden of the Angels and Garden of the Stars.

- 1) Burial spaces are \$350 plus Register of Deeds recording fee.
- 2) Upright monuments are allowed in this addition with specific guidelines. See Upright Monuments, Grave Markers and Benches for more information.

### **Opening/Closing Graves:**

- 1) Only the cemetery sexton or administrative staff is empowered to open or close graves.
- 2) To avoid confusion, burials must be at least one hour apart.
- 3) Plots must be paid in full, before a grave opening permit will be issued.
- 4) A permit must be procured from the Seward County Clerk's office prior to any grave opening or disinterment.

- 5) All opening/closing fees must be paid in advance and a copy of the permit must be presented to the Restlawn Cemetery Sexton at least 48 hours before the grave opening can be done.
- 6) The County Clerk shall issue the burial (*grave opening*) permit addressed to the cemetery sexton or administrative staff setting forth the grave space, lot and block number upon which burial is to be made and the time of the burial.
- 7) No permits for burial shall be issued until the following information is furnished and the following rules complied with:
  - 1) Name and address of lot owner
  - 2) Space, lot and block number on which burial is to be made
  - 3) Name of person to be buried
  - 4) Name of person applying for permit and his or her relationship to the deceased
  - 5) Name of mortician in charge of the body

**Opening/Closing Fees:**

From 8:00 AM to 4:00 PM Monday through Friday:

**Burials:**

<b>Casket Burial</b>		<b>Fee</b>
Child up to 12 years		\$200
Adult		\$350
<b>Cremation Burial</b>		<b>Fee</b>
Without vault		\$150
With vault		\$200
<b>Cremations in Apostles (Double Depth Plots)</b>		<b>Fee</b>
Placing cremation inside an existing vault/opening vault. (not opening vault, place at end or top of existing vault, see Cremation Burial fees)		\$350

**Disinterment:**

<b>Casket Disinterment</b>		<b>Fee</b>
Child up to 12 years		\$500
Adult		\$700
<b>Casket Re-interment</b>		<b>Fee</b>
Child up to 12 years		\$500
Adult		\$700
<b>Cremation Disinterment/Re-interment</b>		<b>Fee</b>
Determined on Case-by-case bases		Min \$150

After 4 PM Monday through Friday, and BEFORE 12 on Saturday:

**Burials:**

<b>Casket Burial</b>		<b>Fee</b>
Child up to 12 years		\$400
Adult		\$550
<b>Cremation Burial</b>		<b>Fee</b>

Without vault	\$350
With vault	\$400
<b>Cremations in Apostles (Double Depth Plots)</b>	<b>Fee</b>
Placing cremation inside an existing vault/opening vault. (not opening vault, place at end or top of existing vault, see Cremation Burial fees)	\$550

**Disinterment:**

<b>Casket Disinterment</b>	<b>Fee</b>
Child up to 12 years	\$700
Adult	\$900
<b>Casket Re-interment</b>	<b>Fee</b>
Child up to 12 years	\$700
Adult	\$800
<b>Cremation Disinterment/Re-interment</b>	<b>Fee</b>
Determined on Case-by-case bases	Min \$350

After noon on Saturday, Sunday and/or Holidays: All burials are \$750.

No Disinterment or Re-interment will be done after noon on Saturdays, Sundays and/or Holidays.

**Upright Monuments, Grave Markers and Benches**

Only monument companies or licensed general contractors with the City of Liberal or Seward County will be allowed to erect monuments at Restlawn. Only granite, marble or bronze can be used for monuments or markers.

Monument companies or licensed general contractors wishing to erect a monument, marker or bench shall be required to obtain a permit from the Seward County Clerk's office prior to beginning any work on the site. The memorial setting permit fee is \$25.

A copy of the monument permit must be taken to the cemetery sexton or administrative staff who will identify, measure the lot and designate the correct location of the monument to be erected. The cemetery sexton or administrative staff shall be authorized to direct the placing of any monument in a specified location.

Monuments, markers and permanent benches shall be erected under the supervision of the cemetery sexton or administrative staff during regular cemetery operational hours. All work of this kind shall be done as rapidly as possible and upon completion of the work, all rubbish shall be removed at once. Any person or persons engaged in such work shall be held responsible for any damage to monument, marker, trees, driveways or any other part of the cemetery.

Monuments, markers and benches must be set to Restlawn Cemetery specifications and should be approved by the Cemetery Sexton or administrative staff. Anyone not complying with these specifications will be subject to remove such memorials or charged a \$150 resetting fee.

Restlawn Cemetery Sexton and Seward County will not be responsible for any damage that may be caused by resetting or moving due to burial opening or failure due to a noncompliance with Restlawn Cemetery rules and regulations.

**All monuments set or reset will conform with the following rules:**

- 1) All markers shall raise more than one and one-half inches (1 1/2") above the level of a lot, except at the head of the grave at which monuments are permitted.
- 2) Any and all stones set or reset will be required to have a minimum three-inch (3") border installed around the base of the stone. This border will be within the lot boundaries.
- 3) All vases or monument decorations must be attached to the stone they are decorating and be installed within the three (3") inch border.
- 4) Military markers must be set at ground level. There is no fee for military markers but a memorial setting permit is required.
- 5) Grave foot markers will set at ground level.
- 6) Monuments or Markers for other than the deceased will be subject to County Commission approval.

**First Addition: Lot Size - 1st Addition – 50" Wide x 10' Long** 1 foot setback for easement and water line.

- 1) Only flush-ground type monuments are allowed.
- 2) Single monuments set in Restlawn Cemetery First Addition will be a minimum of 4" thick with a 3" minimum border. They will not exceed 42"x 24" including the border. No variance allowed. **Changed from 36" to 42"**
- 3) Double monuments set in Restlawn Cemetery First Addition will not exceed 72"x24" including border.
- 4) Monuments for a casket burial and cremation or two cremation burial on one plot must be flat and flush with the ground. Monuments will not exceed 42" X 24" with 3" border installed around the base of the stone.
- 5) Individual memorials set in the Garden of Apostles will not exceed 30" wide x 24" long, including border. No variance allowed.
- 6) Monuments set in the Garden of the Apostles must be approved and marked by Restlawn Cemetery Sexton since there are no established plat markers in this section. Anyone not complying with this rule will be subject to \$150 resetting fee.

**Second Addition: Lot Size – 5' Wide x 12' Long** 1 foot setback for easement and water line

- 1) Single monuments set in Restlawn Cemetery Second Addition will be a minimum of 4" thick with a 3" minimum border. They will not exceed 60"x 24" including the border. No variance allowed.
- 2) Double monuments set in Restlawn Cemetery Second Addition will not exceed 120"x 24". including the border.
- 3) Monuments for a casket burial and cremation or two cremation burial on one plot must be flat and flush with the ground and placed at the foot of the grave **if an upright monument is already in place.** Monuments will not exceed 42" X 24" with 3" border

installed

### **Permanent Benches**

Permanent Benches can only be placed on plots which are owned and **unoccupied**.

The bench should rest on a permanent base in line with the headstone. *(See image below)*

Benches not on a permanent base or in line with the headstone will not be allowed.



### **Seward County Law Enforcement Agency Canines**

Seward County recognizes the important work of law enforcement agency canines in Seward County. To honor them, Seward County adopted County Resolution 2022-06 on April 4, 2022, designating an area of Restlawn Cemetery for the burial of law enforcement agency canines of any breed, who served in Seward County, Kansas.

#### **Designated burial plots:**

Section: Garden of the Stars, Block #19, Lot A  
Section: Garden of the Stars, Block #19, Lot B  
Section: Garden of the Stars, Block #19, Lot C  
Section: Garden of the Stars, Block #19, Lot D  
Section: Garden of the Stars, Block #19, Lot E

Section: Garden of the Stars, Block #19, Lot F  
Section: Garden of the Stars, Block #19, Lot G  
Section: Garden of the Stars, Block #19, Lot H  
Section: Garden of the Stars, Block #19, Lot I  
Section: Garden of the Stars, Block #19, Lot J

#### **Rules and Regulations:**

1. Only Seward County law enforcement agency canines will be allowed to be buried and only cremation burials will be allowed. Proof of law enforcement service will be required.
2. No more than 2 cremation burials per plot.
3. Vaults for cremation burials are optional. Seward County/Restlawn Cemetery does not provide the containers (vault) for cremation burials.

#### **Fees and Permits for Opening and Closing Graves:**

There will be no grave opening fees for the Seward County law enforcement agency canines but a permit must be procured from the Seward County Clerk's office prior to any grave opening. No permits for burial shall be issued until the following information is furnished and the following rules complied with:

- Name of law enforcement canine to be buried
- Space, lot and block number on which burial is to be made
- Name of person applying for permit and his/her relationship to the



- Law Enforcement Canine
- Name of crematory
- Proof of law enforcement service
- Year(s) of service in law enforcement agency

A copy of the burial permit must be presented to the Restlawn Cemetery Sexton at least 48 hours before the grave opening can be done.

There will be a fee for any disinterment. Determined on Case-by-case bases. min. of \$150.

**Grave Markers:**

Grave Markers will follow the same rules and regulations as stated in the Restlawn Cemetery rules and regulations for other burials.

**SECTION II. REPEAL OF FORMER REGULATIONS.**

All former regulations, and resolutions pertaining to the regulation of Restlawn Cemetery are hereby repealed in their entirety and are no longer of any force and effect.

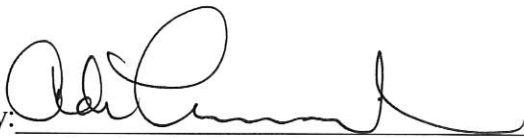
**SECTION III. EFFECTIVE DATE OF RESOLUTION**

This Resolution shall be filed with the office of the Seward County Clerk and is effective upon its publication in the official newspaper of the County.

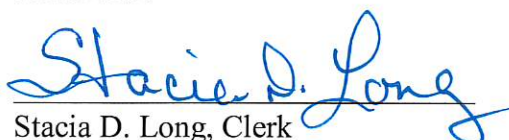
**WHEREUPON**, the Board of County Commissioners of Seward County, Kansas, upon motion duly made, seconded hereby passes and adopts this Resolution in regular session, at its chambers in Liberal, Seward County, Kansas this 7th day of November 2022.

**PASSED AND APPROVED THIS 7th DAY OF November, 2022.**

**BOARD OF COUNTY  
COMMISSIONERS OF SEWARD  
COUNTY, KANSAS**

By:   
Ada Linenbroker, Chairperson

**ATTEST:**

  
Stacia D. Long, Clerk

