



ORDINANCE NO. 643

AN ORDINANCE OF THE CITY OF WHITEWATER, KANSAS, MODIFYING AND RESTATING THE CEMETERY CODE

WHEREAS, on the 26th day of January 2026, the Governing Body of the City of Whitewater, Kansas did then and there by vote of the Council find it advisable to modify and restate the cemetery code of the City of Whitewater, Kansas.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WHITEWATER, KANSAS
THAT THE FOLLOWING BE ADOPTED:**

1. **PURPOSE.** The Governing Body finds that to advance the health, safety, and welfare of the residents of the City of Whitewater, Kansas, it is necessary to amend and restate the cemetery code as follows:

12-301 NAME OF CEMETERY: The city-owned cemetery shall be named "Whitewater Cemetery." (Code 1962. 6-101; Code 1987).

12-302 RECORDS; CONVEYANCES; PERMITS; FUNDS: Custody and keeping of the original and official cemetery records, and an official plat of the cemetery shall be retained in the city office. He or she shall collect and account for cemetery funds from sale of lots or received from other sources and shall issue all cemetery deeds and permits as authorized by law and/or ordinance. All such funds shall be credited to the cemetery fund. (Code 1987; revision 2025)

12-303 CEMETERY REGULATIONS MONUMENTS MARKERS, BURIAL. All lots in Whitewater Cemetery shall be held subject to the rules and regulations of the Whitewater Cemetery Board, which may be adopted by the board for the governance and regulation of said cemetery and grounds thereof. Such lots shall not be used for any purpose other than burial places of the human dead.

- (a) No monument, headstone or marker of any kind shall be placed on any lot or grave space, or removed or relocated, or inscription made, without a permit from the city. Such permit shall be issued upon an application in writing by the owner of the lot, his or her agent or representative, giving a description of the work to be done, and upon payment of such fee as may be fixed by the cemetery board. No permit shall be issued by the city for any such purpose until the lots have been paid in full.
- (b) All monument markers and headstones must be put up under the direction and supervision of the sexton or his assistants. (2025)

12-304 SALE OF LOTS: The sale price of lots shall be determined by the cemetery board and subject to change by resolution of the board. The city shall provide public notice of price changes 90 days prior to the effective date. (2025)

12-305 PUBLIC OFFENSES GENERALLY; All laws of the city relating to and defining public offenses in the city shall, in so far as the same shall be applicable, be in full force and effect in the cemetery. (Code 1987)

12-306 CEMETERY HOURS; UNLAWFUL ENTRANCE. It shall be unlawful for any person or persons (other than duly authorized officers or employees of the city) to enter into or be upon the cemetery grounds of the city during the time between the hour of sunset and the hour of sunrise of any day, or for any person to enter or leave the grounds other than by the established and open entrances or gateways thereto. (Code 1962, 6-116; Code 1987)

12-307 FIREARMS; UNLAWFUL USE; EXCEPTION. It shall be unlawful for any person to discharge any firearms or fireworks or have the same in possession while in the cemetery. This section shall not apply to miliary personnel or members of veteran organizations to authorized persons while participating in memorial services or miliary funerals nor to law enforcement officers. (Code 1962, 6-116; Code 1987)

12-308 VEHICLES: TRAFFIC LAW

- (a) It shall be unlawful for any person to drive any vehicle in the cemetery faster than 20 miles per hour. (Code 1962, 6-116; Code 1987)
- (b) It shall be unlawful to drive or move any vehicle within the cemetery except over a roadway open for vehicular traffic or to obstruct any path or driveway within the cemetery open to vehicular traffic. No person shall use the cemetery grounds or any driveway therein as a public thoroughfare nor drive any vehicle through the grounds except for the purpose of making deliveries in connection with cemetery work or other lawful purposes.
- (c) It shall be the duty of the sexton or his assistants to direct all vehicular traffic, and the sexton, or his assistant, is authorized to direct the parking or standing of all vehicles in the cemetery and it shall be unlawful for any person to disobey or disregard the directions of the sexton, or his assistant, relating to the movement or standing of all vehicles within the cemetery. (Code 1962, 6-115; Code 1987)

12-309 PROPERTY DAMAGE. It shall be unlawful for any person to remove, molest, injure, mar, deface, throw down or destroy any monuments, markers, vaults, or mausoleum on any cemetery lot in the cemetery. (Code 1962, 6-115, Code 1987)

12-310 TREES, SHRUBS, FLOWERS. It shall be unlawful for any unauthorized person to cut down, injure, break or destroy any trees, shrubs, or other plants growing in the cemetery, or to pick, pluck or cut any flowers or decorative plants except as authorized by the cemetery rules (Code 1962, 6-115; Code 1987)

12-311 CEMETERY BOARD. The city hereby establishes and creates a cemetery board for the purpose of managing, operating, maintaining and improving cemeteries owned by the city. The board shall consist of seven board members from the residents of the city at large. No person holding any official position under the city shall be appointed as a cemetery board member while holding such office. The cemetery board members shall receive no compensation for such services. (Ord. 331, Sec. 1; Code 2025)

12-312 SAME: TERM OF OFFICE; VACANCIES. Cemetery board members are volunteers for terms of three years, upon appointment, which may be renewed by consensus of the cemetery board. Thereafter, the mayor or cemetery board may recommend a board member to fill vacancies which shall be affirmed by consent of the cemetery board. (2025)

12-313 SAME; GOVERNANCE. The cemetery board shall make and adopt such bylaws, rules and regulations for their own guidance and for the regulation and governance of the city cemeteries as they may deem expedient. They shall have charge of and supervision over the city's cemeteries, with exclusive power to expend cemetery funds in maintaining, caring for, and improving the cemeteries. (Ord. 331, Sec 3)

12-314 SAME; TREASURER; TERM, FINANCIAL COMPLIANCE It shall be the duty of the cemetery board to elect a treasurer of such board, who shall hold office for a term of at least two years or until his or her successor is elected and qualified. The cemetery board Treasurer shall provide to the city auditor such reports as required for financial compliance. The cemetery board shall submit to the city governing body, annual financial budgets as required per Resolution 05-27-2025. The calendar shall be prescribed by the city governing board (June 1st as of Res 05-27-2025).

12-315 SAME; ANNUAL REPORTS. The cemetery board shall, upon request, make an annual report to the city governing board including strategic initiatives, and financial reports, including various sums of money received from the cemetery fund and other courses of income, and how such money has been expended, and with such other information and suggestions as they may deem of general interest. Such report shall be verified by signature of the president and secretary or treasurer. (2107, 2025)

12-316 SAME; SEXTON AND ASSISTANTS. The board shall have the power to appoint a suitable sexton and necessary assistants, and fix their compensation, if any, and shall also have the power to remove such appointees. (Ord. 331, Sec 5)

12-317 SEXTON DUTIES: The sexton, or his assistants, having immediate supervision and care of the cemetery, shall have the custody and care of all personal property of the city in or about the same. He or she shall cause all persons within the cemetery to observe the rules and regulations pertaining to conduct therein and the care and adornment of the cemetery lots. He or she, and his or her assistants, shall open any grave upon a permit therefore from the city officer, close all graves and make such reports upon any burials as may be required. (Code 1962, 6-102)

12-318 SAME; ABOLISHMENT OF BOARD; ELECTION; PETITION. The city may abandon this method of governing the cemetery board and abolish the cemetery board by a majority of the qualified electors of such city at any regular election or at a special election called for that purpose. Such election shall be called only upon the presentation of a petition to the governing body, signed by not less than 25 percent of the qualified voters of the city seeking such election; the question to be submitted in the usual form. No such election shall be called until two or more years after such cemetery board is created. (Ord. 331, Sec. 7)

2. **EFFECTIVE DATE.** This ordinance shall become effective from and after its passage, approval and publication one time in the official newspaper of the City.

PASSED AND APPROVED by the Governing Body of the City of Whitewater, Kansas, this 26th day of January 2026.

Timothy R. Eldredge
Timothy Eldredge, Mayor

ATTEST:

Anne Morrow
Anne Morrow, City Clerk



