

Title 3

REVENUE AND FINANCE

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Chapter 3.04

CITY CONTRACTS

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3.04.010 Call for bids—Publication.

Except as otherwise provided in this chapter, the city clerk shall cause to be published in successive issues two times in a daily newspaper, at least two weeks prior to the stated bid opening date, in a newspaper, published and of general circulation in the city, a call for bids for the purchase of supplies, labor or materials for any public building or public use. (Ord. 436 §2, 1979; Ord. 05-883 § 1, 2005)

3.04.020 Call for bids—Contents.

The call for bids shall state:

A. The nature of the work required, the type, purpose and location of the proposed building and where plans, specifications and full information as to the proposed purchase of supplies, labor or materials may be obtained, or the details of the nature of supplies and materials or labor being sought, as is appropriate.

B. The suppliers or contractors desiring to submit proposals may obtain copies of full or partial sets of plans and specifications for estimates on request or by appointment. The return of such plans and specifications shall be guaranteed by a deposit of a designated amount

which shall be refunded on return of the plans and specifications in good order.

C. Every proposal shall be accompanied by a certified check, cashier's check or surety bond for ten percent of the amount of the bid included in the proposal as a guarantee that the contractor or supplier of labor or materials will enter into a contract to perform the proposal in accordance with the plans and specifications, or as liquidated damages in the event of the failure or refusal of the contractor or supplier of labor or materials to enter into the contract. The certified check, cashier's check or surety bond shall be returned to the contractors or suppliers of labor or materials, whose proposals are not accepted, and to the successful contractor or supplier of labor or materials on the execution of a satisfactory bond and contract as may be required.

D. The right is reserved to reject any or all proposals or to withhold the award for any reasons the city determines.

E. The call shall also state that sealed bids will be received at the office of the city clerk until a date therein named together with a statement of the time and public place where the bids will be opened. (Ord. 436 § 3, 1979)

3.04.030 Award of bids.

Bids shall be awarded to the lowest responsible bidder in substantial compliance with the terms and conditions of this chapter, chapter 3.06, and any other applicable statutes of the state of Arizona. (Ord. 436 § 4, 1979; Ord. 05-883 § 2, 2005)

3.04.040 Exceptions.

The provisions of this chapter requiring a call for bids and award of bids shall not apply to contracts for the expenditure of public funds

for building, improvements, supplies, labor or materials which do not exceed a total project and/or contract amount of thirty-five thousand (\$35,000) dollars. (Ord. 436 § 5, 1979; City Charter Art. VIII, Sec. 1(C) as amended 1998; Ord. 05-883 § 3, 2005).

3.04.050 Approval to proceed.

Where the total contract or project amount for building, improvements, supplies, materials or labor to be purchased with the use of public funds is reasonably estimated to be between five thousand (\$5,000) dollars and thirty-five thousand (\$35,000) dollars, approval to proceed shall be obtained from the city manager and reviewed by the chairman of the finance committee of the city, or his designee, as established and defined by the city council. (Ord. 436 § 6, 1979; Ord. 05-883 § 4, 2005)

3.04.060 Emergency circumstances.

A. The public bidding and advertisement requirements of this chapter may be dispensed with in the case of an actual emergency which requires immediate action in order to preserve the health, safety and welfare of the people.

B. The city council shall have the exclusive power of declaring an emergency. The city manager may recommend to the city council that they declare an emergency and shall give facts in support thereof.

C. In determining whether to declare an emergency, the city council shall take into consideration, among other things, the following factors:

1. Public policy favors advertisement and competitive bidding;
2. An emergency which will warrant the dispensing of advertising for competitive bids is one that is present, immediate and existing

and not one which may or may not arise in the future;

3. Is the condition one which could have been reasonably foreseen in time to advertise for bids;

4. The facts must clearly indicate that immediate action must be taken in order to preserve the peace, health, safety and welfare of the people. (Ord. 450 §§ 2—4, 1980)

Chapter 3.06

PROCUREMENT OF PROFESSIONAL SERVICES AND SOLE SOURCES

Sections:

- 3.06.010 Procurement of professional services and sole source vendors.**
- 3.06.020 Proposals for certain specified professional services.**
- 3.06.030 Public notice required.**
- 3.06.040 Receipt of proposals.**
- 3.06.050 Evaluation factors.**
- 3.06.060 Discussion with offerors.**
- 3.06.070 Award.**
- 3.06.080 Sole source procurement.**

3.06.010 Procurement of professional services and sole source vendors.

A. All city contracts for certain specified professional services and sole source vendors shall be awarded to the responsible bidder in compliance with the terms and conditions of this chapter and any other applicable statutes of the state of Arizona.

B. The finance director shall submit each determination made under this chapter to the city manager for prior approval or to council if the aggregate dollar amount exceeds \$35,000.00.

3.06.020 Proposals for certain specified professional services.

A. For purpose of this chapter, certain specified professional services shall mean legal services, architect services, auditor services, engineering services, land surveying services,

assayer services, geologist services, and landscape architect services.

B. Proposals for professional services from certain specified professionals exceeding thirty-five thousand (\$35,000) dollars shall require a written request for proposal. Contracts shall be awarded on the basis of demonstrated competence and qualifications for the type of professional services.

3.06.030 Public notice required.

Adequate notice of the request for proposal shall be given in a reasonable time prior to the date set forth therein for the receipt of proposals. Adequate public notice shall mean publication of a public notice which summarizes the request for proposals in a newspaper of general circulation in the city two consecutive days with the last publication being not more than two weeks prior to the date set forth therein for the opening of bids.

3.06.040 Receipt of proposals.

Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A list of proposals received shall be prepared and shall be open for public inspection after contract award.

3.06.050 Evaluation factors.

The request for proposals shall state the relative importance of price and other evaluation factors.

3.06.060 Discussion with responsible offerors and revisions to proposals.

As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submission and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

exist. A written determination of the basis for the sole source procurement shall be included in the contract file and available for public inspection.

3.06.070 Award.

Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the city taking into consideration price and the evaluation factors set forth in the request for proposals and the additional criteria set forth therein. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

3.06.080 Sole source procurement.

A contract may be awarded for a material, service or construction item without competition if the finance director determines in writing that there is only one source for the required material, service or construction item. The finance director may require the submission of cost or pricing data in connection with an award under this section. Sole source procurement shall be avoided, except when no reasonable alternative sources

Chapter 3.08

CLAIMS AGAINST CITY

Sections:

- 3.08.010** **Claims presentation—Verification—Indebtedness to city.**
- 3.08.020** **Audit, examination, allowance or rejection.**
- 3.08.030** **Warrants—Drawing, signing and presentation.**
- 3.08.040** **Warrants—Payment.**
- 3.08.050** **Warrants—Delivery—Filing.**
- 3.08.010** **Claims presentation—Verification—Indebtedness to city.**

Every person having a claim against the city, except those referred to in the provisions of this section, shall present it in writing to the city council verified by affidavit of himself or his agent, stating minutely what the claim is for, and specifying each several items and the date and amount thereof; which verification shall state that the amount is justly due; that there are no offsets or credits to the same, and that the party is not in any way indebted to the city. No demand shall be allowed in favor of any person who is indebted to the city without first deducting such indebtedness. Nothing herein shall be held to apply to demands for official salaries, which by expressed provision of ordinance or resolution, are made a demand against the city. (Prior code §2.20)

3.08.020 **Audit, examination, allowance or rejection.**

Claims presented as provided by Section 3.08.010 shall be filed with the city clerk and shall be passed upon and audited by the city council at their next regular meeting thereafter, and either allowed or rejected in whole or in part as the city council may deem proper. No demand shall be allowed in favor of any officer whose accounts have not been audited and approved or who shall have neglected to make his official returns or report or who shall have neglected or refused to perform any duty required of him. The city council may examine on oath or otherwise the person presenting such claim or any other person, in order to ascertain any facts necessary and proper for them to know in determining an allowance or rejection thereof. (Prior code § 2.21)

3.08.030 **Warrants—Drawing, signing and presentation.**

A. When any amount is allowed as a demand against the city, a warrant shall be drawn on the treasurer thereof, signed by the mayor and the clerk, which warrant shall be delivered to the party in whose favor the same is drawn and presented by him to the treasurer. All warrants shall be made payable to the order of the person entitled thereto. Such warrant may be presented by the assignee, executor or administrator of the person to whom the same is drawn.

B. There shall be appointed an assistant city treasurer who shall have the same duties and responsibilities as appertain to the office of the city treasurer, and specifically, to have the authority to countersign all warrants issued by order of the mayor and city council. (Ord. 373 § 2, 1970; prior code § 2.22)

3.08.040 Warrants—Payment.

Warrants must specify the liability for which they are drawn, when such liability accrued and must be paid in the order of presentation. If the fund upon which such warrant is drawn is insufficient to pay the warrant, such warrant shall be registered by the treasurer and thereafter paid in the order of its presentation as such fund shall become sufficient. (Prior code § 2.23)

3.08.050 Warrants—Delivery—Filing.

A city warrant shall be delivered to the payee or his assignee, executor or administrator, and shall be considered as a check upon the city depository for the amount therein specified. No funds shall be drawn from the city depository except upon a warrant duly signed and indorsed. When such warrants are returned from the city depository as paid, they shall be filed by the treasurer in the records of his office and shall constitute a credit in his favor for the amounts therein stated in all settlements of accounts with the city. (Prior code §2.24)

Chapter 3.10

FINGERPRINTING SERVICES FEES

3.10.010 Fingerprinting Services Fees

A. The fingerprinting fee schedule for services to be performed by the Douglas Police Department shall be set as follows:

1. \$5.00 per fingerprint card
2. Effective January 1, 2012, the fee shall be \$6.00 per fingerprint card.
3. Effective January 1, 2014, the fee shall be \$7.50 per fingerprint card.

B. The only exceptions to the aforementioned fingerprinting services are:

Nonprofit volunteer services, fraternal, civic and service clubs, bona fide religious organizations, and agencies of any federal, state or local governments.

(Ord. 10-978 § 1, 2010).

Chapter 3.11

PUBLIC RECORDS, DOCUMENTS AND MEDIA FEES

3.11.010 Public Records, Documents and Media.

NONCOMMERCIAL RECORDS AND COPYING FEES:

\$0.50 per 8 ½ x 11 up to 25 pages	\$1.00 per 8 ½ x 11 in color
\$1.00 per sheet larger than 8 ½ x 11 in black and white	\$2.00 per sheet larger than 8 ½ x 11 in color
\$0.50 per 8 ½ x 11 † Scanned Documents	\$35.00 report exceeding 25 pages up to 100 pages
\$0.35 per additional sheet for reports exceeding 100 pages	\$5.00 CD
\$10.00 DVD	\$5.00 11" x 17" color map
\$10.00 2 ft x 3 ft color map	

VISITOR CENTER COPYING FEES:

\$0.10 per 8 ½ x 11 b/w	\$0.25 per 8 ½ x 11 color
\$0.15 per 8 ½ x 14 b/w	\$0.30 per 8 ½ x 14 color
\$0.50 per 11 x 17 b/w	\$0.75 per 11 x 17 color

CITY OF DOUGLAS LIBRARY COPYING FEES:

\$0.10 per 8 ½ x 11 b/w	\$0.25 per 8 ½ x 11 color
\$0.15 per 8 ½ x 14 b/w	\$0.30 per 8 ½ x 14 color
\$0.50 per 11 x 17 b/w	\$0.75 per 11 x 17 color

LIBRARY MOBILE ONLINE PRINTING FEES:

\$0.10 per 8 ½ x 11 b/w	\$0.25 per 8 ½ x 11 color
\$0.15 per 8 ½ x 14 b/w	\$0.30 per 8 ½ x 14 color
\$0.50 per 11 x 17 b/w	\$0.75 per 11 x 17 color

CITY OF DOUGLAS POLICE DEPARTMENT RECORDS FEE:

- Pursuant to § 39-127, crime victims receive free copies of police reports or an immediate family member of the victim if the victim is killed or incapacitated has the right to receive one copy of the police report from the investigating law enforcement agency at no charge.
- \$5.00 flat rate for report requests by insurance companies.

COMMERCIAL RECORDS FEES:

Pursuant to A.R.S. § 39-121.03, concerning requests for copies, printouts or reproductions of public records, the Public Records Custodian shall charge for such copies a cost to the portion of any cost to the City in obtaining the original, copy or reproduction of the requested document, printout or photographs a fee for the cost of time, materials, equipment, and

personnel in producing duplications and the value of the reproduction on the commercial market.

DELIVERY FEE:

In the event that a person requests mail delivery of a copy or reproduction of a requested record, the custodian may charge for postage and any copying cost in advance or may issue an invoice.

(Ord. 15-1051 §1, 2015), (Ord. 18-1091 §1, 2018)

Chapter 3.12

CEMETERY FEES

Sections:

- 3.12.010 Purpose.**
- 3.12.020 Uses.**
- 3.12.030 Definitions**
- 3.12.040 Cemetery Supervision**
- 3.12.050 Fees**
- 3.12.060 Sale/Purchase of Interment Rights**
- 3.12.070 Burial Rules**
- 3.12.080 Motorized Vehicles**
- 3.12.090 Care of Lots**
- 3.12.100 Cemetery Visitor Rules**

3.12.010 Purpose

These rules and regulations are designed for the protection of the owners of interment rights as a group. They are intended, not as restraining, but rather as preventing the inconsiderate from taking unfair advantage of others. These rules and regulations are adopted by the cemetery and all owners of interment rights, visitors and contractors performing work within the cemetery shall be subjected to said rules and regulations, amendments or alterations as shall be adopted by the city.

3.12.020 Uses

The cemetery shall be used for exclusively for the burials of human beings and their remains.

3.12.030 Definitions

As used in this ordinance, the following words and phrases will have the following meanings, unless the context clearly indicates a different meaning:

A. "Cemetery" shall mean any burial grounds operated by the city including those burial plots or graves sites sold to others.

B. "Chat" shall mean gravel to the specification of the cemetery supervisory staff.

C. "Cremains" means the cremated remains of a dead body.

C. "Burial" means the interment of a dead body or the remains into a grave.

D. "Exhume" means the disinterment, digging up or removal of a dead body or the remains from a grave.

E. "Exhume" means the disinterment, digging up or removal of a dead body or the remains from a grave.

F. "Grave" shall be synonymous with plot.

G. "Plot" means the lot or space reserved for the burial of a dead body or cremains at a cemetery.

H. "Veteran" means a person who has served in the United States Armed Forces and is able to document honorable discharge status. (Ord. 08-941 §1, 2008), (Ord. 11-1003 §1, 2011).

3.12.040 Cemetery Supervision

A. The cemetery reserves the right to compel all persons coming into the cemetery to obey all rules and regulations adopted by the city.

B. The City reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment's or removals or in the transfer or conveyance and substitution in lieu thereof other interment right of equal value and similar location as far as possible.

C. The city may, and it hereby expressly reserves the right, at any time, with or without notice to owners, to adopt new rules and regulations, or to amend, alter or repeal any rule, regulation, article, section, paragraph or

sentence in these rules and regulations. (Ord. 08-941 §1, 2008), (Ord. 11-1003 §1, 2011).

3.12.050 Fees

A. Effective January 1, 2015, the cemetery fees shall revert back to the cemetery fee schedule applicable in 2014 and shall be frozen indefinitely, and the previously established and programmed cemetery rate increases are hereby repealed. Members of the public that purchased plots and/or services effective January 1, 2015, will be refunded fees paid in excess of the noted 2015. The following cemetery fee schedule, as amended, shall be charged for the described installations or services at the municipal cemetery from and after the effective date of the ordinance codified in this chapter. No curbing or concrete work will be sold until the plot is to be used for burial. No plot opening and closing will be sold until the plot is to be used for burial.

Cost per lot in dirt:
 2014: \$485
 2015 January 1 to present: \$555
 2015 Proposed: \$485

Cost per lot in grass:
 2014: \$743
 2015 January 1 to present: \$858
 2015 Proposed: \$743

Cost per plot (baby) 36" x 24":
 2014: \$244
 2015 January 1 to present: \$292
 2015 Proposed: \$244

Weekday Services:
 Plot open & close dirt lots
 2014: \$310
 2015 January 1 to present: \$330
 2015 Proposed: \$310

Plot open & close grass lot:
 2014: \$451
 2015 January 1 to present: \$501
 2015 Proposed: \$451

Plot open & close baby:
 2014: \$143
 2015 January 1 to present: \$157
 2015 Proposed: \$143

Plot open & close ashes:
 2014: \$132
 2015 January 1 to present: \$144
 2015 Proposed: \$132

Additional Cost for Saturdays:
 Plot open & close dirt lots:
 2014: \$223
 2015 January 1 to present: \$230
 2015 Proposed: \$223

Plot open & close grass lots:
 2014: \$362
 2015 January 1 to present: \$399
 2015 Proposed: \$362

Plot open & close baby 36" x 24"
 2014: \$130
 2015 January 1 to present: \$140
 2015 Proposed: \$130

Plot open & close ashes:
 2014: \$130
 2015 January 1 to present: \$140
 2015 Proposed: \$130

Closed for Sundays and Holidays.
 Burial after hours:
 2014: \$160
 2015 January 1 to present: \$180
 2015 Proposed: \$160

Raised cap: dirt plot only
 2014: \$235
 2015 January 1 to present: \$255
 2015 Proposed: \$235

Flat cap: dirt plot only
 2014: \$234
 2015 January 1 to present: \$267
 2015 Proposed: \$234

Partition for 2 lots: dirt plot only
 2014: \$114
 2015 January 1 to present: \$122
 2015 Proposed: \$114

Cement base for chat per dirt plot only:
 2014: \$114
 2015 January 1 to present: \$132
 2015 Proposed: \$114

Chat per lot dirt plot only:
 2014: \$84
 2015 January 1 to present: \$92
 2015 Proposed: \$84

Vault poly mandatory in grass area:
 2014: \$520
 2015 January 1 to present: \$560
 2015 Proposed: \$520

Single lot curb:
 2014: \$294
 2015 January 1 to present: \$322
 2015 Proposed: \$294

Double lot curb:
 2014: \$358
 2015 January 1 to present: \$394
 2015 Proposed: \$358

Triple lot curb:

2014: \$476
 2015 January 1 to present: \$493
 2015 Proposed: \$476

Additional cost per curb for 4 or more curbs:
 2014: \$78
 2015 January 1 to present: \$79
 2015 Proposed: \$78

Early burials, depending on availability (less than 2 days):
 2014: \$190
 2015 January 1 to present: \$220
 2015 Proposed: \$190

Installation Headstone or Marker:
 Granite through 24" with cement border:
 2014: \$143
 2015 January 1 to present: \$159
 2015 Proposed: \$143

Granite 25" to 48" with cement border:
 2014: \$195
 2015 January 1 to present: \$210
 2015 Proposed: \$195

Granite through 24" without cement border:
 2014: \$93
 2015 January 1 to present: \$100
 2015 Proposed: \$93

Granite 25" to 48" without cement border:
 2014: \$135
 2015 January 1 to present: \$145
 2015 Proposed: \$135

Granite through 24" on top of curbing:
 2014: \$47
 2015 January 1 to present: \$50
 2015 Proposed: \$47

Granite 25” to 48” on top of curbing:
 2014: \$68
 2015 January 1 to present: \$73
 2015 Proposed: \$68

Exhumation full grave:
 2014: \$720
 2015 January 1 to present: \$760
 2015 Proposed: \$720

Exhumation cremation:
 2014: \$260
 2015 January 1 to present: \$280
 2015 Proposed: \$260

B. All charges for cemetery plots shall be paid at the time a lot or lots are purchased from the city. As part of a pre-planning service, City Administrative Officers are authorized to enter into a promissory note(s) for the reservation of plot(s). Deeds shall not be issued until payment is received in full and interest shall be charged at a rate of 10% per month amortized over the life of the note. Promissory notes shall not exceed a period greater than twelve months to remit full payment. If payments are not received in full according to the terms in the promissory note, all monies shall be returned less a 30% administrative charge of the total amount remitted to date. All payments shall be made to the City Treasurer or their authorized representative prior to Funeral Services.

C. Parties purchasing funeral service can reserve plot(s) directly adjacent to burial plot for a period of 3 months from date of services. Reservation shall be forfeited unless the total purchase price of reservation is fully paid within a 3 month period. Forfeited reservation payments shall be refunded to purchaser.

D. Honorably Discharged Veterans and their spouse shall be entitled to 30% discount off the standard fees. (Ord. 12-1021 §1, 2012) (Ord.

08-941 §1, 2008), (Ord. 11-1003 §1, 2011) (Ord. 15-1048 §1, 2015).

3.12.060 Sale and Purchase of Interment Rights

A. The sale or transfer of any interment right by any owner or purchaser shall not be binding upon the city, unless the same shall first be duly approved in writing by the city, and then such interment right can be issued to the new owner. This procedure is required in order that the city may at all times have a complete and accurate record of all owners and purchasers.

B. Any and all transfers of any interment right, whether the same be by conveyance or assignment or purchase contract, are subject to all rules and regulations of the city which are now in full force and effect or which hereafter may be enacted.

C. All interment rights and associated cemetery charges are sold subject to payment of the amount posted in the office of the city clerk.

D. No interment rights or contracts for the purchase of interment rights can be sold, assigned, transferred, or pledge without the written approval of the city clerk. Transfer or sale of Veteran plot shall only be made to a Veteran or their spouse.

E. Each owner is vested with the ownership of his or her interment right for the sole purpose of interment of human corpse(s) or cremains.

F. No person shall buy or sell any lot within the Cemetery for purposes of speculations.

G. When a transfer is to be made from a single grave to another grave or a permanent exhumation occurs, the formerly occupied single grave space and all rights therein revert

to the city. (Ord. 08-941 §1, 2008), (Ord. 11-1003 §1, 2011).

3.12.070 Burial Rules

A. Prior to all burials, compliance with Title 36 Arizona Revised Statutes for the transportation and disposition of human remains (AZ TRANSIT PERMIT) shall be required.

B. **FUNERALS.** All funerals, interments and inurnments within the cemetery grounds shall be under the direction of the Cemetery Management. No grave will be laid out or dug and no interment shall take place without all fees being fully paid and all applicable laws having been complied with. In extreme financial hardship situations City Administrative Officers are authorized to enter into unsecured promissory note(s) with persons requesting funeral services.

C. **NOTICE OF FUNERALS.** Notice of funerals with exact location of the grave must be given to the Cemetery Management at least two (2) business days in advance of the burial. No grave will be laid out or dug by anyone other than a designated cemetery official.

D. **BURIALS AFTER STAFF HOURS.** An additional charge shall be made for any burial service in which the burial vault; mausoleum crypt or columbarium niche is not sealed by 2:30 p.m. from April 1st to September 30th and by 3:30 p.m. from October 1st to March 31st. These additional charges are a part of the rate schedule adopted by the City.

E. **OPENING AND CLOSING OF GRAVES.** All graves, crypts and niches shall be opened and closed by cemetery personnel only. For the safety of the general public, no one from the general public will be allowed to help fill in the grave site. At the direction of cemetery supervisory staff and as necessary to

accomplish services at the cemetery, burial attendees must disperse 60 minutes after casket has been lowered.

F. **ORDERS GIVEN BY TELEPHONE.** Under no condition will the City assume responsibility for errors in opening graves, crypts or niches when orders are given by telephone. Orders by the funeral director for the opening of graves, crypts or niches will be construed as orders from the lot owner.

G. **BURIALS OR MORE THAN ONE PERSON IN ONE GRAVE.** Burial of two or more persons in one plot is not permitted. For interments in a traditional in ground grave: no more than one casket and one cremation urn or two cremation urns may be entombed in a single grave.

H. **CEMETERY WORK.** Any persons engaging in work while in the vicinity of a burial must suspend their labor during the religious service at the grave. All headstone and marker installations or any concrete work shall only be performed by cemetery staff or contractor with city business license carrying adequate liability insurance and are to be performed only during cemetery office hours. Any work to be done by a contractor shall be programmed and scheduled with cemetery supervisory staff. All planned work shall be inspected and approved by supervisory cemetery staff.

I. **DISTINTERMENT.** Disinterment of a body will not be made without proper authority in accordance with the laws of the State of Arizona. All permits must be presented to cemetery officials prior to disinterment so that proper arrangements can be made.

J. **MISREPRESENTATIONS OR ERRORS.** The City will not be liable for misrepresentations or errors made by the

person or persons purported to be owners, legal representatives or agents.

K. INURNMENT CONTAINERS IN GROUND BURIAL. Inurnments may be made only in approved containers. Cremated remains must be in a non biodegradable, unbreakable container made of concrete, plastic or metal. Urns composed of paper, cardboard, plastic, bags, or any other material deemed unacceptable by the City will not be accepted for inurnments.

L. OPENINGS OF CASKET. No person shall open a casket or urn within the confines of a cemetery prior to burial, entombment or inurnment unless that person is next of kin to the deceased or has the written permission of the deceased's next of kin.

M. CREMATED REMAINS TO BE DISPOSED OF PURSUANT TO STATE LAW. No person shall scatter cremated remains within the cemetery. Any cremated remains disposed of in the cemetery shall be done so consistent with any applicable Arizona Law.

N. DISINTERMENTS AND REMOVALS. No disinterments and removal to another location within the cemetery of a body or cremated remains will be permitted without the written consent of the personal representative of the deceased unless by a duly authorized public official.

O. NO REMOVAL OF BODY WITHOUT LAWFUL AUTHORITY. No person, whether a relative or not, shall remove any body from any lot without lawful authority to do so.

P. CARE IN REMOVAL. The City will not be liable for any damage resulting from the removal on any remains. (Ord. 08-941 §1, 2008), (Ord. 11-1003 §1, 2011).

3.12.080 Use of Motorized Vehicles in the Cemetery.

A. Motorized cars and other vehicles must be kept under complete control at all times.

B. The following are prohibited:

- The driving of motorized cars or other vehicles through the gates or in the Cemetery at speeds greater than 10 miles per hours.
- The driving of any motorized car, vehicle or animal across or upon an grave, lot, lawn or parking or leaving the same thereon.
- Parking or leaving any motorized car or vehicle on any road or driveway within the Cemetery at such location or in such position as to prevent any other car or vehicle from passing the same and if so parked or left, the City will remove the same and owner of said removed vehicle shall be legally liable for the cost of the removal.
- No motor vehicle will be allowed off designated roadways at any time with the exception of the cemetery officials, monument setters, contractors, and vault company employees.
- No person can par on the maintenance easement areas of the cemetery.
- All vehicles shall park on the far right had side of the road while parked. (Ord. 08-941 §1, 2008), (Ord. 11-1003 §1, 2011).

3.12.090 Care of Lots

A. PERPETUAL CARE TO INCLUDE. Perpetual care of cemeteries which cover mowing, tree trimming, filling in sunken graves, and weeding will be assumed by cemetery employees only.

B. PERPETUAL CARE NOT TO INCLUDE. Perpetual Care shall not include

the watering of flowers or plants or the trimming of shrubs if planted by the lot owner. Perpetual Care does not include the maintenance, repair or replacement of any marker, memorial, tomb, curbing, or mausoleum place or erected on the lot.

C. **GRASS AREAS.** In order to ensure the uniform appearance of burial sites and facilitate proper maintenance, there shall be the following:

1. No curbing, fencing, hedging, trenching or enclosing any gravesites.
2. No plants may be planted by anyone other than cemetery personnel. Cemetery personnel may remove such shrubbery upon finding them.
3. Solely cemetery personnel may do any and all landscape work.
4. No fixtures shall be permanently affixed to markers or memorials.
5. Cemetery personnel shall water the grass areas on a seasonal schedule of the cemetery as dictated by weather conditions and season.
6. Only flowers placed within permanent retractable vases are allowed. During mowing season, flowers will be removed from the referenced type of vases and replaced to the best of our abilities. Flowers outside of these vases and/or vases other than those specified herein will be discarded.
7. Flowers or other non-permanent decorations outside approved vases may be placed on burial sites for 14 days after funeral service and for seven (7) days before these holidays: Easter, Mother's Day, Father's Day, Christmas, Memorial Day, Good Friday and All Souls Day. Only items that are not in vases and items that are clearly identified as appropriate to the holidays will be removed seven (7) days after the Holiday.

8. The planting of plants and shrubs are restricted to dirt grave sites only.

D. **NON GRASS AREAS.** In the non grass areas, the responsible parties, may water the plants on their own. The city is not responsible for watering any plants in these areas. Plants, trees, shrubs, or grass may be planted only on plots owned in dirt area and with cemetery supervisory staff written approval. City is not responsible for supplying water for plants, trees, shrubs, or grass.

E. **SETTLED GRAVES.** Depending on their schedule, city personnel may fill settled graves when needed.

F. **SPECIAL CARE ON LOTS.** Lot owners who desire special attention for their lots, such as special care for flowers, trees and shrubs, must make arrangements for such care with a person, firm or other private sector person or organization.

G. **REMOVAL OF PLANTS AND SHRUBS.** The Cemetery shall have the right to enter upon any lot and remove, without notice, trees and shrubs and flowers planted in violation of these rules. The City reserves the right to trim, cut down and remove any plantings by a lot owner which are undesirable in their present condition.

No tree or shrub shall be planted, removed, cut down or trimmed, within the border of any lot or grave, without the permission of the cemetery maintenance superintendent or designated official.

H. **FLOWERS.** Fresh and artificial floral displays may be placed on the graves at any time. Floral displays will be removed when they become faded and unsightly or as necessary to facilitate cemetery operations. All floral displays will be removed by-weekly, no responsibility for their return to the owners will be assumed.

Cemetery personnel will not be responsible for flowers or plantings that may prohibit necessary grounds care activities.

I. **OTHER OBJECTS.** Statues, vigil lights, breakable objects of any natures, and similar commemorative items are permitted on dirt grave sites. Cemetery staff will remove non-floral items if they get damages or are a hazard immediately. Items appearing to be of sentimental or keepsake value will be retained for one month before disposal, no responsibility for their return to the owners will be assumed.

The city will not be responsible for any lost or damage items left at the cemetery. At no time will jars, tin cans, unsightly plastic containers or wire stands be construed as permanent decorations and allowed in either cemetery.

No benches or furniture will be allowed within any part of the road way or on lots not owned by the person placing the bench or furniture.

J. **RESPONSIBLE FOR DECORATIONS.** Cemetery personnel are not responsible or liable for any decorations or flowers placed at burial sites. High winds and monsoon rains tend to blow items away. In addition, at times the cemetery is open when neither the office nor grounds personnel are staffed leaving the cemetery unsecured.

K. **REMOVAL OF DECORATIONS.** There are five ways in which decorations *are generally* removed from burial spaces:

1. Seasonal decorations **seven (7) days** after major holidays listed above.
2. Funeral decorations **fourteen (14) days** after service.
3. At certain times of the year when weather conditions blow flowers from vases and at other times when the cemetery is open and staff

are either not present or unable to prevent the theft of flowers, which does occur.

4. Floral displays are removed when they become faded and unsightly or as needed to facilitate cemetery operations.

5. When a violation of this policy is observed by cemetery personnel.

L. **CITY NOT RESPONSIBLE FOR ARTICLES LEFT.** In no case shall the City or any officer or employee thereof be responsible for articles, which may be left on any lot or grave. In all cases, the right is given to the City to remove from any lot or grave any article which is unsightly or otherwise objectionable. (Ord. 08-941 §1, 2008), (Ord. 11-1003 §1, 2011).

3.12.100 Cemetery Visitor Rules

A. **PROPER CONDUCT FOR SACRED PLACE.** It is of utmost importance that there should be strict observance of the properties of the Cemetery. Hence, all persons within the Cemetery should avoid conduct unbecoming a sacred place. The following conduct is prohibited within the Cemetery:

1. All visitors are reminded that the cemetery is considered to be sacred ground for the dead, and that a strict observance of all properties due such a place will be required.
2. Loud or boisterous talking, any person disturbing the tranquility of the cemetery by noise or other improper conduct will be asked to leave the grounds or be subjected to arrest.
3. Cemetery visitors will be allowed in the cemetery from sunrise to sundown. Any person(s) found loitering on the grounds during closed hours will be subject to arrest.
4. No picnics, parties, or other similar gatherings will be allowed in the cemeteries at any time.

5. No peddling or soliciting the sale of any commodity within the Cemetery.

6. No placing of signs, notices or advertisements of any kind within the Cemetery.

7. No bringing of dogs into the Cemetery or any of its buildings unless on a leash and properly cleaned up after.

8. No bringing of firearms into the Cemetery except by a military escort accompanying a veteran's funeral or attending a memorial service. Law enforcement authorities and military personnel shall be the only person allowed to possess weapons on cemetery property.

9. No bringing of alcoholic beverages in the Cemetery or building.

10. The City of Douglas or its employees assume no liability for property damage or acts beyond its ability to reasonably control during normal business hours.

11. The throwing of rubbish on driveways or plotted areas is strictly prohibited. There are receptacles for the sole purpose located in both cemeteries.

12. No person shall enter or leave the cemetery except through established gateways provided for such purpose.

13. All persons found on the grounds after dark shall be considered to be a trespasser. (Ord. 08-941 §1, 2008), (Ord. 11-1003 §1, 2011).

Chapter 3.14

RESERVED
(Ord. 18-1099 § 1, 2019)

Chapter 3.16

FUNDS OR PROPERTY RECEIVED THROUGH FEDERAL ASSET SHARING OR FORFEITURE

Sections:

3.16.010 **Separate accountings of received funds and property.**

3.16.020 **Accounting system.**

3.16.030 **Restrictions on use of funds or property.**

3.16.010 **Separate accountings of received funds and property.**

Separate accountings shall be kept and made by the city of:

A. State grants of forfeiture property or money passing to the city through the office of the Arizona Attorney General;

B. Other forfeiture money or property received as a result of court declared forfeitures of property or money or Attorney General Grants;

C. Federal asset sharing grants; and

D. Grants of forfeiture property or money or federal asset sharing which are project specific. (Ord. 559 § 1, 1990)

3.16.020 **Accounting system.**

The city clerk and treasurer, with the advice of city auditors, or the State Auditor General as required, shall establish a system for proper accounting as required by Section 3.16.010. The system shall include but not be limited to the following:

A. A report by the chief of police to the city manager and city clerk and treasurer by the tenth day of each month outlining the status of and changes in the various accounts;

B. Interest-bearing deposits shall be made to federally insured accounts and/or the local government investment pool of all funds received except for cash withdrawn for undercover purposes;

C. Create forms requesting authorization from the manager by the chief of police for use of funds for undercover operations to fight racketeering;

D. Establish a procedure for later disclosing to the manager and city clerk and treasurer the use of funds when initial disclosure will jeopardize an undercover operation's confidentiality or jeopardize the safety of persons;

E. Establish a process for presenting proposed fiscal year expenditures to the mayor and council for approval and a process for presenting requests for emergency authorization to spend funds, to the mayor and council for approval. (Ord. 559 § 2, 1990)

3.16.030 **Restrictions on use of funds or property.**

All funds or property described in Section 3.16.010 shall be used or spent only for general purposes of enhancing city law enforcement by supplementing local budget funds and not by supplanting ordinary expenditures, or such more restrictive use as prescribed by statute, law or grant. (Ord. 559 § 3, 1990)

Chapter 3.18

ARIZONA DEPARTMENT OF REVENUE DEBT SETOFF PROGRAM & REVENUE AND FINANCE PROGRAM POINT OF SALE CREDIT CARD TRANSACTION CONVENIENCE FEE.

A. A fee of \$9.00 shall be applicable to debtors referred to the AZDOR Debt Setoff Program as a new chapter 3.18. (Ord. 12-1016 §1, 2016)

B. The convenience fee for credit card on point of sale transactions for the Revenue and Finance Program shall be set as follows:

1. The City shall accept credit and debit cards for point of sale transactions of at least \$5.00

2. There shall be convenience fee of 2.5% per point of sale transaction for credit cards only.

3. The City shall accept debit card point of sale transactions without charging a convenience fee. (Ord. 15-1049 §1, 3/11/2015).

Chapter 3.20

NONSUFFICIENT FUNDS CHECK CHARGES

Sections:

**3.20.010 Nonsufficient funds
checks—Fee.**

**3.20.010 Nonsufficient funds checks—
Fee.**

A. A person who issues the city a check that is dishonored because of nonsufficient funds shall pay a “bad check” charge in an amount sufficient to cover the fees and costs incurred by the city as a result of the dishonored check.

B. The city manager shall establish and publicize the amount of the bad check charge, which shall be based upon the bank fees charged to the city for nonsufficient funds checks and the average costs to the city for processing such checks, including costs of mailing and staff time.

C. It is the intent of this section that the bad check charge shall always be the amount required to cover the city’s cost of processing dishonored checks. If the city’s costs for processing dishonored checks changes so that the existing charge no longer reflects the city’s actual costs, the city manager may establish and publicize a different “bad check” charge. (Ord. 750 §§ 1—3, 1999)