

**ORDINANCE NO. 2025-954**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ON FILE WITH THE TOWN CLERK TITLED “OCTOBER 2025 AMENDMENTS TO CHINO VALLEY TOWN CODE CHAPTER 91 REGARDING THE CHINO VALLEY CEMETERY”; ADOPTING THE SAME BY REFERENCE; AMENDING THE CHINO VALLEY TOWN CODE TO READ AS SET FORTH THEREIN; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES FOR VIOLATIONS.**

**WHEREAS**, the Town Council approved Ordinance No. 2024-948, authorizing the acquisition of certain real property for use as a municipal cemetery; and

**WHEREAS**, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to replace Chino Valley Town Code (the “Town Code”) Chapter 91, Reserved, with the provisions of that certain document titled “October 2025 Amendments to Chino Valley Town Code Chapter 91 Regarding the Chino Valley Cemetery” (the “Amendment”).

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

**SECTION 1.** The foregoing recitals are hereby referred to, adopted, and made a part hereof as if fully set forth herein.

**SECTION 2.** The Amendment, of which one paper copy and one electronic copy are maintained, in compliance with Ariz. Rev. Stat. § 44-7041, on file in the office of the Town Clerk as required by Ariz. Rev. Stat. § 9-802, and available for public use and inspection during normal business hours, is hereby declared to be a public record, and said copies are hereby ordered to remain on file with the Town Clerk.

**SECTION 3.** The Town Code is hereby amended to read as set forth in the Amendment, which is hereby referred to, adopted, and made a part hereof as if fully set forth herein.

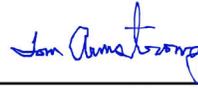
**SECTION 4.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or of the amendments hereby adopted, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**SECTION 5.** The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this ordinance.

**SECTION 6.** Except as otherwise provided, any person found responsible for violating any provisions of this ordinance or the cemetery rules and regulations adopted by the Town Manager shall be guilty of a civil violation, punishable by imposition of a civil sanction not to exceed \$500, and may additionally be subject to an order by the Town Manager barring such person from entering the cemetery for a reasonable period. Each day a violation continues shall be considered a separate violation. A person who commits a violation of this ordinance after previously having been found responsible for committing two or more civil violations of this ordinance within a 24-month period, whether by admission, by payment of the sanction, by

default, or by judgment after hearing, shall be guilty of a class one misdemeanor.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley on this 28th day of October 2025.



\_\_\_\_\_  
Tom Armstrong, Mayor

ATTEST:



*Erin N. Deskins*

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Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



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Andrew McGuire, Town Attorney  
Gust Rosenfeld P.L.C.

I hereby certify that the above foregoing Ordinance No. 2025-954 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on October 28, 2025, and that quorum was present thereat and that the vote thereon was 7 ayes, 0 nays, and 0 abstentions. 0 Council members were absent or excused.

*Erin N. Deskins*

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Erin N. Deskins, Town Clerk

**OCTOBER 2025 AMENDMENTS TO CHINO VALLEY TOWN CODE CHAPTER 91  
REGARDING  
THE CHINO VALLEY CEMETERY**

## CHAPTER 91: CHINO VALLEY CEMETERY

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### Section

#### General Provisions

- 91.01 Establishment
- 91.02 Cemetery Operations and Maintenance
- 91.03 Cemetery Rules and Regulations; Exceptions
- 91.04 Certain Past Transactions Affirmed
- 91.05 Cemetery Improvements; Other Modifications
- 91.07 Cemetery Hours
- 91.08 Conduct within the Cemetery

#### Accounting and Funds

- 91.20 Finance Director
- 91.21 Perpetual Care Fund
- 91.22 Operational Fund
- 91.23 Fees

#### Burial, Interment, and Disinterment

- 91.40 Certificate of Right of Interment; Other Documentation
- 91.41 Right to Select Cemetery Plot
- 91.42 Grave Markers

#### Funeral Homes and Mortuaries

- 91.60 Interment / Disinterment
- 91.61 Certificate of Insurance
- 91.62 Sub-Contracting
- 91.63 Funeral Home Responsibilities
- 91.64 Burial Reporting

## **GENERAL PROVISIONS**

### **§ 91.01 ESTABLISHMENT.**

The Chino Valley Cemetery is hereby established as a municipal cemetery on a parcel of real property at 1250 West Road 2 South, the legal description of which is on file in the Office of the Town Clerk.

### **§ 91.02 CEMETERY OPERATIONS AND MAINTENANCE.**

The town owns the Chino Valley Cemetery and shall operate it for cemetery purposes consistent with best industry practices. The town may contract with third parties to perform some or all of the cemetery's day-to-day management, operations, and maintenance.

### **§ 91.03 CEMETERY RULES AND REGULATIONS; EXCEPTIONS.**

(A) The Town Manager or designee is authorized to adopt and amend cemetery rules and regulations and take necessary, convenient, and proper measures to operate and maintain the cemetery, govern its use, and safeguard persons and property within the cemetery.

(B) Any person violating any provision of this chapter or the rules and regulations adopted by the Town Manager shall be subject to § 10.99 and may additionally be subject to an order by the Town Manager barring such person from entering the cemetery for a reasonable period.

(C) The Town Manager or designee is authorized to grant exceptions to this chapter or the rules and regulations adopted under this section if the need is well-defined and does not impact health and safety.

### **§ 91.04 CERTAIN PAST TRANSACTIONS AFFIRMED.**

All interments completed before the first effective date of this ordinance are hereby reaffirmed to be legal, as to their families and survivors, and any illegal or irregular transactions regarding previous interments shall be resolved between the town and third parties at no cost to the family and survivors.

### **§ 91.05 CEMETERY IMPROVEMENTS; OTHER MODIFICATIONS.**

(A) The town has sole authority regarding all improvements and other modifications within the cemetery.

(B) The town reserves the right to enlarge, reduce, or change the boundaries or grading of any section or part of the cemetery; to modify, relocate, remove, improve, or regrade roadways, features, landscapes, or walks, or any part thereof; to change the layout of unsold cemetery plots; and to create additional plots. No other entity, contractor, or funeral home may make any such modifications without the town's written permission.

### **§ 91.07 CEMETERY HOURS.**

(A) The cemetery is open to the public from dawn to dusk every day.

(B) Any unauthorized person found on cemetery grounds after dark shall be considered a trespasser.

**§ 91.08 CONDUCT WITHIN THE CEMETERY.**

(A) All persons are reminded that cemetery grounds are devoted to the interment and repose of the dead. The conduct of persons within the cemetery must be respectful to those interred and their visitors.

(B) Children under 12 years old shall not be permitted on the cemetery grounds unless accompanied by an adult responsible for their conduct.

(C) Depositing rubbish on the walkways, roads, grounds, graves, or gravesites is prohibited.

(D) Willfully or maliciously damaging, altering, defacing, removing, or otherwise disturbing any cemetery property or grave markings is prohibited.

(E) Loitering on cemetery grounds is prohibited.

(F) Leash laws are enforced. Pet owners must pick up after their pets.

(G) Except for use in military services, firearms are prohibited within the cemetery.

(H) Alcohol is prohibited within the cemetery.

## ACCOUNTING AND FUNDS

### § 91.20 FINANCE DIRECTOR.

The Finance Director shall maintain records of all monies received or expended in connection with the cemetery.

### § 91.21 PERPETUAL CARE FUND.

(A) *Established.* With the money the town received from the Chino Valley Cemetery (the Arizona nonprofit corporation) when it acquired the cemetery, a trust fund known as the “Cemetery Perpetual Care Fund” is hereby established to pay cemetery expenses in perpetuity. Interest income earned from the fund may be used to operate, maintain, improve, and expand the cemetery as needed. The fund shall comprise all bequests, donations, grants, or gifts of all kinds or property, in fee simple or otherwise, received by the town for cemetery maintenance purposes; additional amounts paid into the fund as determined by the Council; and any perpetual care fees established by Council resolution.

(B) *Minimum Balance.* The perpetual care fund must always maintain a minimum balance of \$100,000.

(C) *Investment.* The perpetual care fund shall be invested per A.R.S. § 9-453.

### § 91.22 OPERATIONAL FUND.

Any additional funds from the Chino Valley Cemetery (the Arizona nonprofit corporation) will be deposited into the town’s operating account and assigned to the Special Revenue Fund – Cemetery for regular cemetery operations and maintenance.

### § 91.23 FEES.

By resolution, from time to time, the Council may establish fee schedules incidental to the orderly operation and maintenance of the cemetery.

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## **BURIAL, INTERMENT, AND DISINTERMENT**

### **§ 91.40            CERTIFICATE OF RIGHT OF INTERMENT; OTHER DOCUMENTATION.**

(A)     Interment in the cemetery requires (1) a disposition-transit permit obtained in accordance with state law, (2) a written permit—a Certificate of Right of Interment—obtained from the town, and (3) confirmation that the subject plot is not used, or will not be used by such interment, beyond its capacity. The Certificate of Right of Interment must include as much of the following as is reasonably obtainable: the deceased's name, age, date and place of birth, date and place of death, burial date, and marital status, and details about any relevant funeral home, funeral director, or mortuary. The person seeking the Certificate of Right of Interment is responsible for providing such information.

(B)     Disinterment may be accomplished only with a Final Exhumation Order from the Arizona Superior Court, Yavapai County, Arizona, or through a State of Arizona Disinterment Permit.

### **§ 91.41            RIGHT TO SELECT CEMETERY PLOT.**

The town reserves the exclusive right to select the site of a cemetery plot for interment requests. Plot locations are awarded on a first-come, first-served basis.

### **§ 91.42            GRAVE MARKERS.**

At the time of burial, grave sites shall be identified by the mortuary with a permanent metal marker bearing the deceased's name, date of birth, and date of death.

## **FUNERAL HOMES AND MORTUARIES**

### **§ 91.60 INTERMENT / DISINTERMENT.**

Only funeral homes and directors properly licensed in Arizona and with the Town of Chino Valley shall be allowed to inter and disinter human remains in the cemetery. All interments and disinterments in the cemetery shall be performed only by qualified persons, firms, or corporations, or under their direct supervision. Grave openings and closings shall only be performed by a town-approved contractor or by town personnel.

### **§ 91.61 CERTIFICATE OF INSURANCE.**

Upon application for a Town of Chino Valley Funeral Home Business License, and annually with the renewal of the business license, each funeral home shall, before undertaking any interments or disinterment, furnish the town with a current Certificate of Insurance naming the Town of Chino Valley as an additional insured in an amount of not less than \$1,000,000. Said insurance shall insure the town against all third-party liability claims of any and all kinds related to the funeral home or funeral director's operation, or anticipated operation, conducted or to be conducted in the cemetery, save and except the town shall be liable for its own negligence, gross negligence, or intentional acts and omissions. Additionally, any funeral home or funeral director, or their designees or subcontractors, agrees to hold the town harmless for all third-party liability claims of any and all kinds related to the funeral home or funeral director's operations, or anticipated operations, conducted or to be conducted in the cemetery.

### **§ 91.62 SUB-CONTRACTING.**

Any funeral home or director licensed in Arizona may contract with any other funeral home or director for assistance, and any contract fees or charges shall be handled and resolved by and between the contracting funeral homes and directors.

### **§ 91.63 FUNERAL HOME RESPONSIBILITIES.**

Funeral homes, funeral directors, mortuaries, or their subcontractors shall be responsible for all labor, equipment, and materials necessary to set up and remove lowering devices, vaults, tents, chairs, and any items necessary to properly conduct interment activities in the cemetery. During the gravesite services, said parties shall be responsible for the protection of adjoining lots and for repairing any damage caused to adjoining lots within 30 days of such damage.

### **§ 91.64 BURIAL REPORTING.**

All interments shall be reported to the Town Clerk within 72 hours of burial, confirming the interred person's name and the interment details as defined in the Certificate of Right to Interment.