



1025 P Street
P.O. Box 687, Gering, NE 69341

308-436-5096 www.gering.org

Westlawn Cemetery Rules & Regulations



GATES OPEN

200491 Old Oregon Trail Road
Gering, NE 69341

Oct–Apr: 8 am – 4 pm Daily
May–Sept: 8 am – 8 pm Daily

CONTACT INFORMATION

Dustin Fankhauser — Sexton
dfankhauser@gering.org
(308) 436-6836
Office Hours: 7 am – 4 pm Monday - Friday

OUR MISSION

The Westlawn Cemetery serves as a sacred and peaceful site of beauty where family and friends can gather in prayer and remembrance.

ARTICLE 1 – DEFINITIONS

Unless the context requires a different meaning, the following terms or phrases have those meanings when used in these rules:

- 101. **“City”** means the City of Gering, Scotts Bluff County, Nebraska, a city of the first class.
- 102. **“Ordinance”** or **“ordinances”** means an ordinance or ordinances legally adopted by the City at any time.
- 103. **“Rules”** means any or all of the provisions of this document.
- 104. **“Cemetery”** means West Lawn Cemetery, Gering, Nebraska.
- 105. **“Sexton”** means the employee of the City, under the supervision of the Director of Parks, Recreation & Leisure Services and Advisory Board, specially charged with control, use and care of the Cemetery, its grounds, its equipment, and the opening of graves.
- 106. **“Burial spaces”** means one or more spaces in the Cemetery in which a body or bodies may be buried.
- 107. **“Monument”** means a tombstone, a grave marker, a headstone, a burial vault partially above ground or a combination of these. Burial vaults in Third Addition will be those below ground level only. No above ground grave covers.

ARTICLE 2 – GENERAL RULES

- 201. The Cemetery is open every day of the week. The Cemetery gates are open from 8:00 a.m. to 4:00 p.m. starting October 1st to April 30th and from 8:00 a.m. to 8:00 p.m. starting May 1st to September 30th.
- 202. The Sexton may, at their discretion, open or close the Cemetery when necessary to maintain order, safety, and appropriate use of the grounds.
- 203. No person shall bring, carry, or discharge firearms or weapons within the Cemetery, except: (1) law enforcement officers performing official duties; (2) for the control of rodents or pests; or (3) as part of an organized honor guard or firing squad.
- 204. No person shall operate a motor vehicle within the Cemetery except on established roads or driveways, unless such use is necessary for: (1) maintenance activities; or (2) the opening or closing of graves.

ARTICLE 3 – INTERMENTS, DISINTERMENTS & REMOVALS

301. All interments, disinterments, and removals within or from the Cemetery shall be subject to these rules, applicable City and County ordinances, and the laws of the State of Nebraska.
302. Interments, interment services, disinterments, and removals shall be conducted under the direction of the Sexton and only at such times and in such manner as authorized, in accordance with applicable law and under the supervision of a licensed mortician.
303. Once a casket or other container holding a body has entered the boundaries of the Cemetery, no person shall open the casket or disturb the body without prior authorization from a court of competent jurisdiction or the legal representative of the deceased.
304. No person or agent shall lower a casket, container, or vault into a grave until the funeral party has departed, except in the presence of immediate family members.
305. The Sexton may require at least one (1) week's notice prior to any disinterment or removal of a body from the Cemetery.
306. Interments, interment services, disinterments, and removals shall not be permitted on Sundays or legal holidays. The Sexton may, in their discretion, permit interments on Saturdays when necessary to prevent hardship to a family or funeral home. Additional charges may apply to Saturday interments.
307. The Sexton may require personal or written instructions specifying the particular burial space, size, or location within a plot where an interment is to occur.
308. When a disinterment is conducted, the Sexton shall permit only the following persons to be present:
 - (a) members of the immediate family;
 - (b) the mortician conducting the disinterment;
 - (c) a law enforcement officer acting pursuant to a court order; and
 - (d) any other person authorized by law or court order.
309. The City and its officials reserve the right, at all times, to correct any errors made in interments, disinterments, removals, or in the issuance of Cemetery deeds.
310. No more than one body, or the cremated remains of one body, shall be interred in a single grave or burial space, except where more than one body is placed within a single casket. The following exceptions shall apply:
 - (a) an infant in a container not exceeding fifty (50) inches in length may be interred at the foot of a grave or burial space;
 - (b) the cremated remains of two (2) bodies may be interred at the foot of one grave or burial space;
 - (c) the cremated remains of up to four (4) bodies may be interred within a single grave or burial space;
 - (d) the cremated remains of two (2) bodies may be interred in a cremation/infant burial space; and
 - (e) one infant and the cremated remains of one (1) body may be interred in a cremation/infant burial space.

ARTICLE 4 – BLOCKS, LOTS & BURIAL SPACES

401. The Cemetery is generally divided into blocks, which are further subdivided into lots, each containing two (2) or four (4) burial spaces. The Cemetery also includes designated sections for infant burials and for single burial spaces.
402. All applications to purchase a block, lot, or burial space shall be made to the Sexton. Payment for such purchase shall be made to the City cashier, upon which the purchaser shall receive a Cemetery deed from the City. No purchaser shall acquire any right, title, or interest in, or make interment in, any burial space until full payment has been made.
403. A purchaser may convey any burial space or spaces back to the City. Such conveyance shall terminate all rights, title, and interest of the purchaser in the burial space or spaces. All such conveyances shall be made by deed naming the City as grantee.
404. A block, lot, or burial space purchased by an individual or jointly by spouses shall be used only for the interment of the owner's family. For purposes of this section, 'family' includes the owner's parents, siblings, spouse, children, and grandchildren. If, after an interment, no eligible family members remain, any unused burial space or spaces shall pass to the owner's heirs at law. If no heirs at law exist, such burial space or spaces shall escheat to the City.
405. If an interment has been made and the owner of the burial space or spaces is deceased or missing, the owner's family members may be interred in the following order of priority:
- (a) the spouse;
 - (b) the children;
 - (c) the parents;
 - (d) the siblings; and
 - (e) the grandchildren.
- Any person entitled to interment may waive, in writing, their right to interment or their priority under this section in favor of another family member. Such waiver must be filed with the Sexton prior to interment.
406. No more than one casket shall be interred in a burial space, except that an infant's casket may be placed at the foot of the grave of a parent.
407. If no interment has been made in a burial space or spaces owned jointly by spouses at the time of the death of one spouse, ownership shall vest in the surviving spouse.
408. If no interment has been made in a burial space or spaces owned by an individual or jointly by spouses, the owner or owners may transfer such burial space or spaces to another person; provided, however, that the burial space or spaces shall first be offered to the City. The City shall have the option to repurchase the burial space or spaces at one hundred percent (100%) of the original purchase price. If the City does not exercise this option within thirty (30) days after the offer is made, the owner or owners may transfer the burial space or spaces to another person.
409. No sale or transfer pursuant to Section 408 shall be valid or binding upon the City unless and until it is recorded in the City's Cemetery records and approved in writing by the City, with such approval endorsed upon the deed transferring the burial space or spaces.
410. Thirty-three and one-third percent (33⅓%) of all monies received from the sale of burial spaces shall be deposited into a Perpetual Care Fund to be used for the maintenance and care of the Cemetery.

ARTICLE 5 – CARE OF CEMETERY

501. All grading, general landscape work, improvements, and all openings and closings of graves, as well as all interments, disinterments, and removals, shall be performed under the direction of the Sexton, Director, and Advisory Board.
502. No person shall plant flowers, shrubs, trees, or other vegetation in any burial space or elsewhere within the Cemetery without prior permission from the Sexton, Director, and Advisory Board. The Sexton may remove any unauthorized plantings, and neither the City nor its employees shall be liable for such removal.
503. Floral arrangements and designs, ammunition, toys, marbles, wire decorations, glass, rocks, vegetation, or any artificial representations thereof may be removed by the Sexton or Cemetery personnel whenever such items are deemed unsightly, hazardous, detrimental, diseased, or inconsistent with the general appearance of the Cemetery, or if they interfere with maintenance activities.

Approved items shall be placed only at the sides of the monument foundation within the boundaries of the burial space and shall not be placed in front of or behind monuments. All items remaining more than seven (7) days after an interment or ten (10) days after Memorial Day may be removed.

- (a) The Cemetery shall not be liable for any loss of or damage to floral arrangements, baskets, frames, vases, or similar items, including damage due to weather or other causes beyond its control.
 - (b) No floral arrangement, plant, or decorative item shall exceed forty-eight (48) inches in height.
504. All glass containers, glass urns, and other glass items are strictly prohibited within the Cemetery.
505. The Cemetery shall not be liable for any delay in interment caused by a protest or by failure to comply with applicable rules and regulations. The City shall not recognize any protest of interment unless it is submitted in writing and filed with the Cemetery.
506. In conducting removals, the Cemetery shall exercise reasonable care but assumes no liability for damage to any casket, vault, vase, or urn incurred during such removal.
507. All grading, general landscape work, improvements, and all openings and closings of graves, as well as all interments, disinterments, and removals, shall be performed exclusively by the City or its authorized personnel.
508. The City expressly reserves the right to replat, regrade, and otherwise modify Cemetery property; to alter boundaries; to relocate or remove roads, drives, and walkways; and to install, modify, or maintain utilities, irrigation, drainage systems, or other improvements. The City further reserves the right to use any unsold Cemetery property for Cemetery-related purposes.

Monument & Marker Rules

509. Monuments in the 3rd & 4th Additions must be wet set in concrete.
510. All monuments must have an 8-inch concrete wash.
511. Double markers over 6 feet long must have a foundation along the full length of the lot.
512. Single markers over 2 feet 6 inches long must have a foundation along the full length of the lot.
513. No monument may exceed 48 inches in height.
514. Footstones are only allowed if set flush with the ground.
515. Flower vases separate from headstones must be set at the ends of foundations with at least 8 inches margin for maintenance.
516. Monument companies must post a \$5,000 bond or have suitable insurance to work in the Cemetery.
517. Sexton must lay out all monument/marker locations; monument company provides materials. Work must be approved by the Sexton, otherwise it must be removed or replaced at the company's expense.
518. A permit from the Sexton is required before any monument work. Approval does not absolve the company from liability for poor materials, construction, or workmanship.

Vault Requirement

- All casket burials must use a vault (concrete, fiberglass, or similar).

Cost of Service

GRAVE SPACE

Adult Grave Space	\$650.00
Infant/Cremation Space	\$400.00
Cremation	\$400.00

OPENING AND CLOSING OF GRAVES

Grave Opening and Closing—Adult	\$650.00
Grave Opening and Closing—Infant (limited to rough box not to exceed 50" in length)	\$400.00

Additional Charge for Saturday Openings and closings (AM only)	\$500.00
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CREMATION

Cremation Burial	\$425.00
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DISINTERMENT

Adult Grave	\$1,200.00
Infant Grave	\$1,000.00
Cremation	\$600.00

Recording Deed	\$50.00
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Monument Permit Fee	\$150.00
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(Rates effective January 13, 2025)