

PROPOSITION NO. 5

REFERENDUM—Do You Favor Ordinance No. 17.194 Enacted by the Board of Supervisors Providing for the Removal of Laurel Hill Cemetery?

RESOLUTION NO. 3337

(Code No. 17.19)

REFERRING ORDINANCE NO. 17.194 TO THE ELECTORS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY AND COUNTY OF SAN FRANCISCO ON THE SECOND DAY OF NOVEMBER, 1937.

Whereas, this Board of Supervisors did, on the 19th day of April, 1937, enact Ordinance No. 17.194 entitled as follows: "Declaring that the Further Maintenance of Laurel Hill Cemetery Threatens and Endangers the Health, Safety, Comfort and Welfare of the Public; Ordering and Demanding the Disinterring and Removal of Human Bodies therefrom and fixing a Time within which such Disinterring and Removal Must be Performed; Declaring Certain Conditions Under Which the City and County will itself Disinter and Remove Said Bodies; Requiring and Empowering the Director of Public Health to Adopt and Promulgate Rules and Regulations for such Disinterring and Removal; Providing for the Reservation of Lands for Memorial Mausoleums or Columbariums, Grounds, Vaults and Monuments," which said Ordinance was, on the 26th day of April, 1937, duly approved by the Mayor of the City and County of San Francisco; and

Whereas, before the time when said Ordinance became effective there was filed with this Board of Supervisors a petition signed by the qualified electors of the City and County equal in number to at least ten percentum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such Ordinance; and

Whereas, this Board of Supervisors, in conformity with the provisions of Section 179 of the Charter, has re-considered such Ordinance and upon said re-consideration of said Ordinance, the said Ordinance was not repealed;

Now, Therefore, Be It Resolved, that the said Ordinance, numbered and entitled as aforesaid, is hereby submitted to the vote of the electors of the City and County of San Francisco at the next general election to be held in said City and County, to-wit, the general municipal election to be held on November 2, 1937, and the Registrar of Voters is directed to take all steps necessary to submit said Ordinance to the electors as provided by law.

Adopted—Board of Supervisors, San Francisco, June 15, 1937.

Ayes: Supervisors Brown, Colman, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

Absent: Supervisor Reilly.

I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

J. S. DUNNIGAN,
Clerk.

Approved, San Francisco, June 17, 1937.

ANGELO J. ROSSI,
Mayor.

(Code No. 17.19)

Bill No. 937, Ordinance No. 17.194, as follows:

DECLARING THAT THE FURTHER MAINTENANCE OF LAUREL HILL CEMETERY THREATENS AND ENDANGERS THE HEALTH, SAFETY, COMFORT AND WELFARE OF THE PUBLIC; ORDERING AND DEMANDING THE DISINTERRING AND REMOVAL OF HUMAN BODIES THEREFROM AND FIXING A TIME WITHIN WHICH SUCH DISINTERRING AND REMOVAL MUST BE PERFORMED; DECLARING CERTAIN CONDITIONS UNDER WHICH THE CITY AND COUNTY WILL ITSELF DISINTER AND REMOVE SAID BODIES; REQUIRING AND EMPOWERING THE DIRECTOR OF PUBLIC HEALTH TO ADOPT AND PROMULGATE RULES AND REGULATIONS FOR SUCH DISINTERRING AND REMOVAL; PROVIDING FOR THE RESERVATION OF LANDS FOR MEMORIAL MAUSOLEUMS OR COLUMBARIUMS, GROUNDS, VAULTS AND MONUMENTS.

Be it ordained by the People of the City and County of San Francisco as follows:

Section 1. It is hereby declared that the cemetery hereinafter described contains an area of more than five acres and is situate in a city and county having a population of

more than one hundred thousand persons and the right of burial in said cemetery has been prohibited by law for a period of more than fifteen years, and that the further maintenance of said cemetery as a burial place for the human dead threatens and endangers the health, safety, comfort and welfare of the public. The cemetery above referred to is situate in the City and County of San Francisco, State of California, and is commonly designated by the following name and is situate within the following boundaries, to-wit:

Laurel Hill Cemetery, bounded by Presidio Avenue, California Street, Parker Avenue and a line drawn northwesterly from a point formed by the intersection of the north line of Post Street, extended, with the west line of Presidio Avenue, to a point on the east line of Parker Avenue, distant thereon 100 feet southerly from the intersection of the south line of Euclid Avenue, produced easterly, and the easterly line of Parker Avenue.

Section 2. It is hereby ordered and demanded that, within three years from the date upon which this ordinance shall become effective, the cemetery corporation, corporation sole, association or other person owning or controlling the cemetery hereinabove described, or the owners or holders of burial lots therein, or the relatives or friends of those whose bodies are interred therein disinter all human bodies interred in said cemetery and remove the same outside of the limits of the City and County of San Francisco; in accordance with and in the manner provided for in that certain act of the Legislature of the State of California, entitled "An Act authorizing the Board of Supervisors or other governing body of any incorporated city, or city and county, having a population of more than one hundred thousand persons, to order the disinterment and removal of all human bodies interred in any cemetery of more than five acres in extent, or from a part thereof, situate within the boundaries of such city, or city and county, and directing the reinterment of such bodies in cemeteries outside of the limits of such city, or city and county, or the depositing of the same in a mausoleum or columbarium, whenever the further maintenance of such cemetery or part thereof as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public, and providing a mode of procedure under and by which such removals may, when so ordered, be made by the cemetery corporation, association, corporation sole or other person governing or controlling such cemetery lands, or by the relatives or friends of those whose bodies are buried therein, and providing for the sale, mortgage or pledge of cemetery lands from which the human bodies are removed." Approved June 5, 1923.

Section 3. It is hereby declared and ordained that, unless the said bodies are disinterred and removed within the time and in the manner herein in Section 2 of this ordinance provided, the City and County of San Francisco, through its appropriate officers, boards and commissions, will itself proceed, upon the termination of said time to disinter said bodies remaining in said cemetery and reinter them in another cemetery or cemeteries outside of the limits of the said City and County.

Section 4. It is hereby ordained that the Director of Public Health of the City and County of San Francisco shall, within sixty days from the date upon which this ordinance becomes effective, adopt reasonable rules and regulations relative to the manner of disintering, transporting and removing such bodies, and shall, upon adoption thereof, cause the same to be published in a newspaper of general circulation in the City and County of San Francisco for a period of sixty days and shall forthwith forward by registered mail to the governing body owning or controlling such cemetery a copy thereof. Said Director of Public Health shall, from time to time, adopt and promulgate, in the same manner, any reasonable and necessary modifications or changes in said rules and regulations. All disinterments, transportation and removal of human remains from said cemetery made under the provisions of this ordinance and under the provisions of the said act of the legislature, herein in Section 2 referred to by title, shall be made and performed subject to the rules and regulations adopted by the Director of Public Health as herein provided.

Section 5. It is hereby ordained that any cemetery corporation, association, corporation sole or other person owning or controlling any such cemetery lands from which the bodies interred therein are to be removed in accordance with the provisions of this ordinance and the provisions of the act of the legislature, herein in Section 2 referred to by title, may reserve sufficient land from such cemetery lands from which the human remains have been removed to erect a memorial mausoleum or columbarium for the depositing therein of the bodies disinterred from such cemetery lands and may provide sufficient grounds around the same for the beautification thereof, and may preserve such historical vaults or monuments as the board of directors or other governing body of said corporations or associations, or the incumbent of said corporation sole, may determine to be proper or necessary.

Provided, however, that the land thus reserved for such mausoleum, columbarium, grounds, vaults and monuments shall not, in the aggregate for said cemetery exceed in area ten per centum of the existing area of said cemetery, and provided, further, that plans for said mausoleums, columbariums and grounds shall first be filed with the Board of Super-

visors of the City and County of San Francisco and approved by said Board by resolution thereof.

Read Second Time and Finally Passed—Board of Supervisors, San Francisco, April 19, 1937.

Ayes: Supervisors Brown, Colman, McSheehy, Mead, Meyer, Reilly, Schmidt, Shannon, Uhl.

Absent: Supervisors Ratto, Roncovieri.

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

Approved, San Francisco, April 26, 1937.

J. S. DUNNIGAN,
Clerk.

ANGELO J. ROSSI,
Mayor.