

Emergency Burial Permits

809.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the issuance of emergency burial permits by the Berkeley Police Department.

809.2 POLICY

While the City of Berkeley Health, Housing, and Community Services (HHCS) Department is responsible for the daily administration and processing of burial permits, sworn supervisors or command rank officers (hereafter, "issuing officers") shall assist HHCS Department in the issuance of emergency burial permits according to the procedures set forth in this policy.

809.3 CRITERIA FOR ISSUING AN EMERGENCY BURIAL PERMIT

- (a) The death occurred within the city of Berkeley.
- (b) There is a need for an emergency permit, limited to the following:
 - 1. Religious necessity (i.e., Jewish custom);
 - 2. Natural disaster (i.e., earthquake, etc.); or
 - 3. Extraordinary circumstances requiring out-of-state transportation by the deceased person's family.

A permit request made urgent due to a statutory time limit (e.g., being beyond the 8-day time limit for burial) or a "long weekend" is not an emergency, and the person making the request shall be referred to the HHCS Department's Office of Vital Statistics during normal business hours.

809.4 NON - ISSUANCE

A burial permit shall not be issued in the following circumstances:

- (a) The applicant does not possess the required documents.
- (b) The applicant fails to submit the requisite permit fee.
- (c) The location intended to receive scattered cremated remains is not authorized by law or the property owner's consent (e.g., lakes, rivers, within 500 feet of an ocean or inland waterway shoreline, over public lands without proper approval, etc.).

809.5 HOURS OF ISSUANCE

An emergency burial permit may only be issued by the Police Department on Saturdays, Sundays and holidays, between the hours of 9 a.m. and 4 p.m. A permit will not be issued by department personnel at any other time except on the personal request of the City's Public Health Officer.

809.6 PROCEDURES

The issuing officer shall receive the following forms from the funeral facility representative:

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- (a) An original Certificate of Death;
- (b) An Application and Permit for the Disposition of Human Remains (State of California, Department of Public Health, Office of Vital Statistics form VS-9), completed in quadruplicate, and signed/dated by funeral director or authorized representative; and
- (c) When applicable, written authorization from a private property owner or governmental agency having jurisdiction over lands upon which cremated remains are to be scattered.

809.7 REVIEW OF DOCUMENTS

809.7.1 CERTIFICATE OF DEATH

The issuing officer shall review the Certificate of Death to ensure:

- (a) The death occurred in Berkeley (#106).
- (b) The Certificate is signed by either a physician or the Coroner (#115 and 118, and/or 126).
 - 1. The Coroner must sign when the death was caused in whole or in part by an injury, is work-related, is under investigation or during the continued absence of the physician.
 - 2. The physician must have seen the deceased within 20 days of the date of death (Compare #7 with #114B).
- (c) If the body is embalmed, the Certificate bears the embalmer's license number (#43) and signature (#42). (If the body is not embalmed, the words "not embalmed" should be written in #42 and a dash in #43.

809.7.2 APPLICATION AND PERMIT FOR DISPOSITION OF HUMAN REMAINS

The issuing officer shall review the Application and Permit for Disposition of Human Remains to ensure:

- (a) The information on the form corresponds with that on the Certificate of Death.
- (b) The form is signed and dated by the applicant in sections 9A and 9B
- (c) The amount of "\$12.00" appears in the section 10A.
- (d) The current date appears in the section 10B.
- (e) The name of the City's Public Health Officer, (check city website for current MD) is written by the issuing officer, along with his/her initials and badge number, in section 10C.
- (f) The form reads "City of Berkeley Health Department, 1947 Center Street" in section 10D.
- (g) The location identified for disposition of cremated remains (11C and 16A) is legally authorized to receive said material, in conformance with Health and Safety Code §§7116 and 7117.

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809.8 DISTRIBUTION OF DOCUMENTS / FEE

- (a) The issuing officer shall present the first three copies of the completed Application and Permit for Disposition of Human Remains to the funeral facility representative.
- (b) The issuing officer shall forward the following items to HHCS Department's Office of Vital Statistics for each burial permit issued:
 - 1. The fourth copy of the Application and Permit for Disposition of Human Remains;
 - 2. The Certificate of Death; and,
 - 3. The fee of \$12.00.
 - (a) Checks shall be made payable to the "City of Berkeley".
 - (b) THE ISSUING OFFICER SHALL NOT PREPARE A RECEIPT FOR THE PERMIT FEE. HHCS Department staff is responsible for preparation and mailing of a receipt to the funeral facility.

809.9 BPD LOG

The issuing officer shall complete the "Health Department -Burial Permits" log attached to Burial Permit folder kept at Front Counter.

809.10 QUESTIONS

Questions or issues concerning burial permits that cannot be immediately resolved should be referred to the City of Berkeley's Vital Statistics Office.