

**CITY OF GOLD BAR, WASHINGTON
ORDINANCE #800**

**AN ORDINANCE OF THE CITY OF GOLD BAR, WASHINGTON, AMENDING GOLD
BAR MUNICIPAL CODE TITLE 8, HEALTH AND SAFETY, PROHIBITING THE
ESTABLISHMENT OF FAMILY BURIAL GROUNDS WITHIN THE JURISDICTION
DUE TO CRITICAL AREAS, WATER RESOURCE PROTECTION, AND ON-SITE
SEPTIC SYSTEM HEALTH CONCERNS; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Washington State Legislature enacted Chapter 68.74 RCW, which authorizes families to establish private family burial grounds on corporate or privately owned property under specific state minimum guidelines; and

WHEREAS, RCW 68.74.030 explicitly grants local cities and counties the full authority to enact local ordinances that further regulate, restrict, or entirely prohibit the establishment of family burial grounds within their local jurisdictional boundaries; and

WHEREAS, the local geology, high groundwater tables, and proximity to critical water bodies within Gold Bar create severe environmental risks, including potential biological and chemical contamination of critical aquifers and local drinking water supplies; and

WHEREAS, a significant portion of the properties within this jurisdiction rely entirely on individual On-Site Sewage Systems (OSS), commonly known as septic systems, which require strict, unencumbered space for both primary and 100-percent reserve drainfield capacity to protect public health from system failures; and

WHEREAS, RCW 68.74.080 mandates that a family burial ground constitutes a permanent dedication of land that restricts grading, construction, and heavy machinery access in perpetuity, creating an irreconcilable conflict with the maintenance, inspection, repair, and replacement requirements of on-site septic systems; and

WHEREAS, the Gold Bar City Council finds that prohibiting the establishment of new family burial grounds is necessary to protect public health, prevent groundwater contamination, and preserve the integrity of critical areas and critical aquifer recharge zones; and

WHEREAS, such establishment requires the creation of a new chapter in the Gold Bar Municipal Code;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLD BAR,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section I	Creation of New Chapter
Section II	Title 8.28.010, Adoption of Prohibition
Section III	Title 8.28.020, Enforcement and Penalties

Section III Severability
Section IV Effective Date

Section I, Creation of New Chapter

Chapter 8.28, Family Burial Grounds, is hereby added to Title 8, Health and Safety, of the City of Gold Bar Municipal Code, to read as follows.

Section II, Title 8.28.010, Adoption of Prohibition

Family Burial Grounds Prohibited.

A. Prohibition. The establishment, placement, or operation of any new family burial ground, as defined or authorized under Chapter 68.74 RCW, is strictly prohibited on all real property within the incorporated limits of Gold Bar.

B. Findings and Declaration of Conflict. The City formally declares that private human burial practices create localized public health and land-use conflicts that cannot be adequately mitigated on parcels utilizing On-Site Sewage Systems (OSS) or containing critical areas. Specifically:

1. *Septic Integrity*: The permanent dedication of land required for a burial plot poses an immediate threat to the long-term functionality of septic systems by restricting the necessary physical clearance, heavy equipment access, and expansion space required for primary and reserve drainfields under local environmental health codes.
2. *Critical Areas Impact*: Due to the high water table, frequent flood events, and dense network of wetlands, streams, and rivers within the jurisdiction, the introduction of private burial plots within close proximity to residential homes presents an unacceptable risk of biological contamination to public and private drinking water systems.

Section III, Title 8.28.020, Enforcement and Penalties

Any violation of this Ordinance shall constitute a public nuisance and a land-use violation, subject to code enforcement, civil penalties, or injunctive relief as provided under Chapter 8.16.080 of the Gold Bar Municipal Code.

Section IV, Severability

If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section V, Effective Date

This Ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication as required by law.

Passed by the City Council of the City of Gold Bar this _____ day of _____, 2026.

Attest: _____, Lisa Stowe, Clerk/Treasurer

Attest: _____, Steven Yarbrough, Mayor

First Reading: _____

Posted: _____

Second Reading: _____

Passed: _____