

ORDINANCE NO. BG2012 – 7

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 8
(CEMETERIES) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES TO MAKE
VARIOUS ADMINISTRATIVE AMENDMENTS

WHEREAS, current language in Chapter 8 (Cemeteries) of the Code of Ordinances prohibits the carrying of firearms into City cemeteries, contrary to state law; and,

WHEREAS, current language in Chapter 8 also provides for the sale of deeds to cemetery lots, but the City now issues certificates of burial in lieu of deeds; and,

WHEREAS, it is in the best interests of the City to reflect these administrative amendments to Chapter 8.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 8 (Cemeteries) is hereby amended as follows:

...

8-2 SUPERVISION; ADMINISTRATOR'S GENERAL DUTIES.

8-2.01 Cemetery Operations.

All cemeteries owned and/or operated by the City shall be under the management of the Department of Parks and Recreation. The cemetery operations are divided into two (2) programs: 1) Administration, which will be managed by the Cemetery Administrator; and 2) Maintenance, which will be managed by the Cemetery Maintenance Crew Supervisor.

8-2.02 Official Map.

The maps of all City-owned and/or operated cemeteries, with additions, on file at the Fairview Cemetery Administrative Office are now adopted and are hereby declared the Official Maps of the City cemeteries, including burial lots therein ~~which shall be sold by the City.~~

8-2.03 General Duties of Administrator.

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The Cemetery Administrator or designee shall record and maintain all records, be present at every interment and shall have the general direction and control of the improvements of the premises. The Administrator or designee shall keep maps of the cemeteries as provided hereinabove, showing its avenues, walks and lots with the numbers thereof, and shall cause the boundaries of lots, avenues and walks to be preserved. The Administrator or designee shall see that the regulations for the preservation of property and observance of decorum are strictly enforced. The Administrator shall have administrative charge of all property on the cemetery grounds.

8-2.04 Duties of Maintenance.

The Cemetery Maintenance Crew Supervisor or designee shall maintain City-owned buildings and grounds in an acceptable condition, prepare graves for burials and assist with funerals. The Maintenance Crew of the cemetery shall assist funerals and funeral directors, including entry and exit of persons attending funerals, burials and closures. The Cemetery Maintenance Crew shall perform maintenance duties, including mowing grounds and other duties as required.

8-3 PERPETUAL FUND.

8-3.01 Income from Certificates of Burial ~~Sale of Lots~~.

Twenty (20%) percent of all of the income from the issuance of certificates of burial ~~the sale of lots~~ in the cemeteries shall be placed in a Perpetual Fund which shall be invested and the proceeds from same used for maintenance and upkeep of the cemeteries. All prior monies heretofore withheld since November 1, 1964 shall be retained in the Fund.

8-3.02 Acceptance of Trusts.

The City may accept Trusts pursuant to KRS 386.185, which shall be placed and retained in the Perpetual Fund, to be invested in a like manner of all income designated for Perpetual Fund and the proceeds from same used for maintenance and upkeep of the cemeteries.

8-3.03 Trustee Designated.

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The City Treasurer is hereby designated as the trustee of the Perpetual Fund, which is hereby designated as "The Perpetual Cemetery Maintenance Fund."

8-3.04 Duties of Trustee; Trustee's Bond.

a. The trustee of the Perpetual Fund shall invest the fund in U.S. Government Bonds, savings accounts guaranteed by the Federal government, or in first mortgages, bonds or the equivalent in guaranteed investment.

b. The trustee and his successors in office shall execute a bond with corporate surety thereon to guarantee the faithful performance of the duties of the trustee.

8-4 PAYMENT; ISSUANCE OF CERTIFICATES OF BURIAL SALE OF LOTS.

8-4.01 Receipt of Payment Made by Administrator.

The Cemetery Administrator or designee shall receive payment for rights to ~~make all sales of~~ burial lots for cash, ~~or check~~ or approved credit card. The Administrator or designee is also authorized to approve rights to ~~make sales of~~ burial lots by the use of an installment payment contract, following procedures established by the City of Bowling Green, with the City Treasurer authorized to execute such contracts for the City. Fees for services shall be made by cash, ~~or check~~ or approved credit card.

8-4.02 Fee Schedule; Restriction.

All certificates of burial shall be issued ~~lots shall be sold~~ in accordance with the fee schedule recommended by the Cemetery Administrator and the Director of Parks and Recreation, with approval by the City Manager. No certificates of burial shall be issued ~~lots shall be sold~~ for commercial or promotional purposes or for a profit.

8-4.03 ~~Deed of~~ Certificates of Burial Issued; Contents.

Each person requesting ~~purchasing~~ a burial lot, upon payment of the designated fee

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~~purchase price~~ or by paying the designated fee ~~full consideration~~ under an installment payment contract, shall receive a ~~deed or~~ certificate of burial executed by the Office of City Clerk ~~City Clerk or~~ ~~designee~~. The burial lot ~~cemetery property purchased and further~~ described more particularly in the ~~deed or~~ certificate of burial shall be used for the purpose of human interment alone.

8-5 TRANSFER OF LOTS; FEE.

No transfer of any certificate of burial ~~lot~~ shall be permitted except with the written consent of the current holder of the certificate of burial or his heirs or assigns ~~owner of such lot~~. The Cemetery Administrator must also consent to the transfer, which shall be confirmed by the issuance of a new certificate by the Office of City Clerk ~~City Clerk or designee~~. The fee for transfer of any certificate of burial ~~lot~~ shall be established by the Cemetery Administrator and the Director of Parks and Recreation, with approval by the City Manager.

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8-8 SPECIFIC RULES AND REGULATIONS TO GOVERN OPERATION.

8-8.01 Administrator Duties.

The Cemetery Administrator shall declare rules and regulations to govern the interment of bodies, erection of markers, and the administration of the City-owned and/or operated cemeteries.

8-8.02 Improvements of Cemetery Lots.

The receipt of a certificate of burial ~~Ownership of lots~~ allows for burial rights only. All improvements of cemetery lots shall be limited to the installation of monuments, headstones, footstones and corner markers and shall require the approval of the Cemetery Administrator and the Cemetery Maintenance Crew Supervisor, or designees, prior to installation. Improvements shall be made of granite, marble, natural stone or bronze. Wood, concrete or other metallic improvements shall not be allowed. Landscaping is permitted as provided hereinbelow.

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8-8.03 Corner Markers, Headstones and Landmarks.

All corner markers, headstones and other permanent landmarks of lots must be placed by the owners under the supervision of the Cemetery Maintenance Crew Supervisor and the Cemetery Administrator, or designees. Corner markers and landmarks shall be flush with the ground and not larger than four (4") inches square. Above ground foot markers are permitted in Fairview Cemetery No. 1 only. Headstones on single graves shall be no longer than three (3') feet; on two (2) grave lots, no longer than six feet and six inches (6'6"); and on three (3) grave and four (4) grave lots, no longer than seven (7') feet. No walls or wooden fences shall be erected as enclosures of lots. Where lots adjoin, only one intersection marker shall be used at each corner.

8-8.04 Damages to Cemetery Lot Improvements.

The City of Bowling Green shall not be responsible for deterioration or damage to improvements, with the exception of any damage caused by cemetery upkeep which shall be documented by the Cemetery Crew Supervisor and repaired by the City. Other repairs required due to damages to improvements shall be the responsibility of the person named on the certificate of burial or his heirs or assigns owner.

8-8.05 Use of Potters Field; Burial Fee.

A certain portion of Fairview Cemetery is designated as "Potters Field" and shall be for the interment of strangers and other persons whose friends may so desire, and so much of Potters Field or other areas of Fairview Cemetery designated by the Cemetery Administrator or designee as free ground shall be appropriated to the burial of individuals without charge for the plot. A burial fee shall be charged which shall be determined by the Administrator and Parks and Recreation Director, with approval by the City Manager. Burials in such area shall be conducted during regular business hours Monday through Friday only, and shall be arranged through the Cemetery Administrator's Office.

8-8.06 Davis-Hoffman Veterans Section.

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Use of Davis-Hoffman Veterans Section or any other sections designated for interments of veterans shall be limited to honorably discharged veterans of the United States Armed Forces who are residents of Bowling Green or Warren County. A burial fee will be charged as determined hereinabove.

8-8.07 Visiting.

a. ~~Owners of lots, their families and general~~ Visitors shall be admitted to the cemeteries from 7:00 a.m. to sunset on all days of the week; but children under the age of twelve (12) must be accompanied by an adult who will be responsible for their conduct.

b. Any domesticated animal accompanying visitors must be leashed and under the control of a person twelve (12) years of age or older. Leashed service animals are permitted to accompany children with disabilities under the age of twelve (12).

8-8.08 Offensive Inscriptions on Monuments.

No offensive or scandalous inscriptions shall be permitted upon any stone or monument.

8-8.09 Unlawful and Prohibited Acts Enumerated.

a. On any City-owned and/or operated cemetery, it shall be unlawful for any person in any manner to: 1) injure the fence or enclosure of any City-owned and/or operated cemetery; 2) injure any lot enclosure or tombstone material erected at any grave; 3) remove any shrubs, flowers or other things in such cemetery; 4) cut any tree, shrub, post, or in any manner injure same; 5) injure the grass, herbage, streets, walks, ornaments or other things in the cemetery, whether belonging to the City or individuals; 6) trespass upon its bounds; 7) congregate therein for sports or amusements; 8) conduct himself in a boisterous, loud or indecent manner; 9) ill-treat any person therein or use profane or indecent language; 10) disturb any burial party or individual being there for a lawful purpose; 11) enter such grounds with ~~firearms~~, refreshments or intoxicating liquors; 12) ride or drive on the grass or pluck any flower, either wild or cultivated, or remove any plant or flower, either growing or with which any

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grave shall have been decorated, unless done by the owner or family member of such grave; 13) enter the cemetery otherwise than through the regular gate provided for that purpose; or 14) disturb anyone working therein for any legitimate purpose.

b. It shall be prohibited and classified as a civil violation for any owner, keeper or harbinger of any domesticated animal to fail to remove any excreta deposited by that animal within any City-owned and/or operated cemetery. It shall also be prohibited and classified as a civil violation for any owner, keeper or harbinger of any domesticated animal to allow or permit such animal, whether on a leash or roaming at large to enter any grass area of any City-owned and/or operated cemetery, except a service animal providing assistance to a person with disabilities may enter any area of the cemetery.

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8-8.13 Landscaping and Flower Regulations.

a. Artificial flowers, cut flowers and decorations are not to be placed on the ground from March 1st through November 1st each year, except on Easter Day, Mother's Day, Father's Day, Memorial Day, Veteran's Day and the decedent's birthday. All seasonal flower arrangements shall be removed within thirty (30) days after date of placement. All flower arrangements, saddles, etc. placed at time of burial will be removed from graves when they deteriorate or discolor.

b. All landscape improvements shall be approved by the Cemetery Administrator and the Cemetery Maintenance Crew Supervisor, or designees, prior to completing. The person listed on the certificate of burial owner or family of the decedent requesting and completing any landscape improvements shall be responsible for the continued maintenance thereof. The Cemetery Administrator and Cemetery Maintenance Crew Supervisor shall not be responsible for the maintenance of any such landscape improvements and reserves the right to remove any landscape improvements that are not properly maintained. Private landscaping of lots located in Sections O, P, Q, R and S of Fairview Cemetery No. 2 shall only be allowed in designated sites as indicated in the

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Cemetery Master Plan or through the City of Bowling Green's Memorial Tree Program.

c. The Cemetery Administrator, Cemetery Maintenance Crew Supervisor or City Park Forester/Arborist shall have the authority to remove any tree or shrub which has become detrimental, dangerous or inconvenient to adjacent lots, walks or avenues.

8-8.14 Enforcement and Penalties.

a. Enforcement proceedings for Subsections 8-8.07 (b) and 8-8.09 (b) shall be initiated by the issuance of a notice of violation or a citation by a code official as set out in the procedures in Subchapter 27-7 of this Code. Any person violating any portion of the aforementioned Subsections shall be subject to civil penalties as set out in Subchapter 27-8 of this Code.

b. Any person who violates the remaining provisions of this Chapter shall be guilty of a misdemeanor and shall be fined not less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars.

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on March 20, 2012, and given final reading on April 3, 2012, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

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ADOPTED: April 3, 2012

APPROVED: Bruce Wilkerson
Mayor, Chairman of Board of Commissioners

ATTEST: Kate Schaller
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 03/12/2012, 3:50 p.m.