

SPONSOR: Elliott/Fain

ORDINANCE NO. 67-10

AN ORDINANCE AMENDING JACKSON CODIFIED ORDINANCE
CHAPTER 941 RELATING TO CEMETERY, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF
OHIO, as follows:

Section One. The Jackson Codified Ordinance Chapter 941 is hereby amended as set
forth in Exhibit "A".

Section Two. The Clerk of Council shall assure that this Ordinance is posted in all the
City's Ordinance books.

Section Three. This Ordinance is hereby declared to be an emergency Ordinance,
necessary for the immediate preservation of the public peace, health or safety of the City of
Jackson, in that it is necessary to pass this ordinance immediately in order to establish the
procedures which have been followed within the Department. Therefore, this Ordinance shall go
into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section
731.30.

Section Four. In the event this Ordinance receives a majority vote for passage but fails
to receive the required number of votes to pass as an emergency, then this Ordinance shall be
deemed to have passed but with no emergency clause and shall take effect at the earliest time
permitted by law.

Section Five. This Council finds and determines that all formal actions of this Council
concerning and relating to the passage of this ordinance were taken in an open
meeting of this Council and that all deliberations of this Council that resulted in those formal
actions were in meetings open to the public, all in compliance with the law.

Date: 8-10-10

Rebecca B. Fain
PRESIDENT OF COUNCIL

Isla Brown
CLERK OF COUNCIL

Approved:

Date: 8-10-10

Randy R. Weaver
MAYOR

EXHIBIT "A"

CHAPTER 941

Cemeteries

941.01 MANAGEMENT AND CONTROL, GENERALLY.

The Service-Safety Director, or his designee, shall have full charge and control of, and shall direct all improvements in, the public cemeteries of the City, such as grading, laying out avenues, roadways and grounds and keeping the same in proper condition, and shall direct the care and culture of trees, shrubbery and flowers, as may be permitted in the cemeteries.

941.02 EQUIPMENT; MAINTENANCE.

The Service-Safety Director, or his designee, shall at all times be charged with, and have custody and control of, and shall keep in good order and repair, all personal property, tools, implements, supplies, materials and effects of whatever kind or description belonging to the City, and in any way pertaining to the use and management of the cemeteries and he shall be responsible under his bond for the proper care, preservation and safe keeping of the same. He shall prepare and keep continuously up to date an inventory of all such property.

941.03 EXTRA LABOR.

During mowing season, which shall be determined by the Service-Safety Director, or his designee, extra help shall be allowed at such prices per hour or per day as may be fixed by Council. Extra labor between mowing seasons shall be used on a temporary basis, for opening and closing graves or for other emergencies. The existence of an emergency condition shall be determined by the Service-Safety Director, or his designee. Payment for extra labor shall be made upon the order of the Service-Safety Director, or his designee, out of the Cemetery Fund.

941.04 INTERMENTS AND DISINTERMENTS.

The Service-Safety Director, or his designee, shall have charge and direction of all interments, disinterments or removals of the dead. No dead body shall be removed or disinterred by the Service-Safety Director, or his designee, when forbidden by any proper order of the Board of Health or Health Officer.

941.05 RECORDS OF GRAVES AND REMOVALS.

The Service-Safety Director, or his designee, shall keep and maintain a record book of the location of all graves and removals as they are made from time to time in various lots in such cemeteries.

941.06 POLICE POWER.

The Service-Safety Director, or his designee, shall be vested with police powers, and shall keep and preserve order in and about all cemeteries and enforce the provisions of this chapter and any other ordinance of the City or State respecting public cemeteries and the interment or disinterment of the dead.

941.07 MAINTENANCE OF ROADWAYS.

The Street Department shall maintain present roadways and drives and provide the labor. Material for the construction of new roadways and drives may be provided by the Cemetery or Street Department, as determined by the Service-Safety Director, or his designee.

941.08 LOTS: SURVEY, PLAT AND RECORDING; PRICES.

No cemetery lot shall be sold until the ground has been surveyed, platted and recorded in a plat book provided for that purpose and kept in the office of the Service-Safety Director, or his designee.

941.09 SALE OF LOTS.

The Service-Safety Director, or his designee, shall exhibit the lots for sale to persons desiring to purchase the same, and when a lot or part of lot is selected, the Service-Safety Director, or his designee, shall furnish to the purchaser a card, signed by the Service-Safety Director, or his designee, stating the section, number of lot, size of parcel and price thereof. When so advised by such card, the Service-Safety Director shall arrange for the sale of such lot or parcel, and the terms of payment, and, upon full payment of the purchase price, shall execute and deliver to the purchaser a deed therefor.

941.10 PAYMENT OF PURCHASE PRICE.

If not paid for in full at the time of purchase, up to two (2) lots may be sold upon the following terms: one-third cash on day of sale, one-third within one year thereafter, and the remaining one-third within two years from the date of purchase. Such deferred payments shall be secured by the promissory note of the purchaser, and such payments shall not bear interest until due. No deed shall be delivered until the entire purchase price has been paid, nor shall a burial permit authorizing burial on such lot be issued until the full purchase price has been paid. Upon default in the payment of the purchase price of any lot purchased after July 1, 1954, the City shall have the right, upon first giving thirty days written notice by registered mail addressed to the purchaser of record, or, if the name and/or address of such purchaser cannot be ascertained, by publication for one time in a newspaper published in the City, to declare the sale of such lot cancelled; and

thereupon all rights of such purchaser of such lot shall be terminated, and any payments thereon shall stand forfeit to the City as liquidated damages for failure to purchase such lot. No more than two (2) lots may be purchased on payments.

941.11 RECORDS OF SALES.

Duplicate records of all sales and transfers and of the ownership of all lots shall be made, one of which shall be kept in the office of the Service-Safety Director and the other in the office of the Service-Safety Director, or his designee.

941.12 TRANSFER OF OWNERSHIP.

No sale or transfer of a lot by a owner, except by descent, shall be effective or binding upon the City until the instrument of conveyance thereof is presented to the Service-Safety Director for transfer on his records. Transfers by descent shall be made by affidavit. A fee of twenty-five dollars (\$25.00) shall be charged for making every such transfer.

941.13 OPENING AND CLOSING GRAVES; CHARGES.

Charges for opening and closing graves in any cemetery operated by the City shall be as follows:

	<u>In City Resident</u>	<u>Out of City Resident</u>
(a) Weekdays (except holidays)	\$ 450.00	\$ 550.00
(b) Weekends and holidays	\$ 600.00	\$ 700.00
(c) Cremation – Weekdays (except holidays)	\$ 100.00	\$ 200.00
(d) Cremation – Weekends and holidays	\$ 200.00	\$ 300.00
(e) When funeral is in compliance with the rules of the Ohio Department of Welfare, the regular fees and charges, as above provided, shall not apply.		

941.14 PAYMENT OF CHARGES.

Charges for opening and closing graves shall be paid in full and all delinquencies for annual care including the current year shall be paid in full, before a burial permit is issued. Persons taking exclusive care of their own lots, prior to January 1, 1953, who make written affidavit of such fact, shall have burial permits issued if all delinquencies from January 1, 1953 to the time of the request for the burial permit, and the delinquencies for the current year are paid.

941.15 CEMETERY FUND, PERPETUAL CARE.

The Service-Safety Director shall accept and receive, by agreement, gift, devise, bequest or otherwise, money to provide a permanent fund of the cemetery, which shall be handled and invested as provided in Ohio R.C. 759.12 and 759.15, and the income of which shall be applied by the Director to the perpetual care of the lot or lots as agreed by the Director. No sums shall be received by the Director which are less than the minimum charges for perpetual care hereinafter provided for the size of lot designated. Bequests and devises in wills shall be accepted for a period of one year at the rates and charges for perpetual care heretofore in effect.

941.16 PERPETUAL AND ANNUAL CARE; FEES.

- (a) Fees and charges for perpetual and annual care, which shall include seeding, mowing and cleaning, shall be as follows:
 - (1) Perpetual care \$50.00 per grave space
 - (2) Annual care \$40.00 per grave space.
- (b) The City Clerk shall establish an appropriate account for the receipt and disbursement of funds relating to agreements for perpetual care. No funds paid pursuant to an agreement for perpetual care shall be used for any purpose other than perpetual care or the payment of annual fees and charges for the lot described in such agreement.

941.17 EFFECTIVE DATE OF CHARGES.

The charges and fees provided in this chapter shall be effective on and after Aug. 10, 2010, except as to annual care charges which shall be billed at the rates herein provided on or about January 1, 2011, and each year thereafter. Annual care charges shall be compulsory for all lots not having perpetual care.

941.18 PRICING OF CEMETERY LOTS.

The cost of burial spaces in the Cemetery shall be as follows:

In City
Resident

\$ 200.00 per space

Out of City
Resident

\$ 400.00 per space

A space is four feet by twelve feet.

941.19 BURIAL PERMIT, CONTENTS.

Each burial permit shall specify the number and the name of the owner of the lot upon which such burial is to be made.

941.20 PLANTING OF SHRUBBERY AND TREES PROHIBITED.

The planting of rosebushes, barberry, large shrubbery or trees of any kind, size or type prohibited.

941.21 CORNER STONES.

Corner stones shall not exceed eight inches in width, and shall not extend above ground level. Borders or curbing and any type of fencing, either permanent or temporary, are not allowed.

941.22 PLACING OF BENCHES/CHAIRS ON BURIAL LOTS PROHIBITED.

No benches or chairs of any type shall be permitted on any burial lot, unless the bench or chair is part of the gravestone. Benches/chairs already placed upon any burial lot may continue, but may not be replaced as such bench/chair deteriorates or becomes unusable. Any bench/chair that interferes with groundskeeping or blocks the view of monuments, or in any way becomes a hazard will be removed at the discretion of the Service-Safety Director, or his designee. Any bench/chair removed from a burial lot will be held by the Cemetery for a period of 30 days, at which time if no family member claims the item, the bench/chair will be disposed of.

941.23 PLACING OF STONE/GRAVEL ON BURIAL LOTS PROHIBITED.

No stone, gravel, riprap, bricks, cement blocks, or like items shall be placed on any burial lot or around any monument on a burial lot.

941.24 BURIAL OF PETS PROHIBITED.

No pets or other animals shall be buried or interred in the Fairmount Cemetery.

941.25 GRAVE VAULTS OR LINERS.

Prior to burial in a grave in the Fairmount Cemetery, the grave must be prepared by inserting a vault or grave liner in the grave. The vault or grave liner shall be constructed of concrete or other material approved by the Service-Safety Director, or his designee.

941.26 POURING FOUNDATIONS.

All foundations poured in Fairmount Cemetery are to be of not less than 5 bag mix Portland Cement, Air Entrained for outdoor exposure. Foundations shall be no less than twenty four inches deep at their shallowest depth. Said foundation shall project above the ground two inches at its lowest point. Foundations poured in sub-freezing temperature shall be protected in such a way as to insure that no freezing of the concrete shall occur. No foundation is to be poured until it is inspected as to size and depth by the Service/Safety Director or his designee.

941.27 MAUSOLEUMS.

The Service-Safety Director may designate a selected portion of the Cemetery for the placement of mausoleums. No mausoleums shall be permitted in any section of the Cemetery other than that section so designated by the Service-Safety Director.

The Service-Safety Director, or his designee, shall establish certain conditions and guidelines that must be followed when placing a mausoleum in the Cemetery. All mausoleums must be one piece, factory built units. Approval must be obtained from the Service-Safety Director, or his designee, prior to the placement of any mausoleum in the Cemetery.

A single mausoleum, which would be one burial, requires a purchase of three burial spaces at a cost of \$350.00 per space, which includes a perpetual care fee of \$50.00 per space for those In City residents. A single mausoleum, which would be one burial, requires a purchase of three burial spaces at a cost of \$500.00 per space, which includes a perpetual care fee of \$50.00 per space, for those who reside Out of City.

A double mausoleum, which would be two burials, requires a purchase of four burial spaces at a cost of \$350.00 per space, which includes a perpetual care fee of \$50.00 per space, for those In City residents. A double mausoleum, which would be two burials, requires a purchase of four burial spaces at a cost of \$500.00 per space, which includes a perpetual care fee of \$50.00 per space, for those who reside Out of City.

Burial rates shall be the same as those set forth in Section 941.13.

941.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred fifty dollars (\$150.00).

