

SPONSOR: \_\_\_\_\_

## ORDINANCE NO. 06-11

AN ORDINANCE AMENDING JACKSON CODIFIED ORDINANCE SECTIONS 941.11, 941.12, 941.13, 941.15, 941.16, 941.17, AND 941.18, AND ADOPTING SECTION 941.28, RELATING TO CEMETERIES, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 941 of the Codified Ordinances of the City of Jackson, Ohio was totally and completely revised by Ordinance passed and adopted during the 2010 calendar year; and

WHEREAS, certain sections of Chapter 941 need to be further amended.

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

**Section One.** The Jackson Codified Ordinance Chapter 941 sections 941.11, 941.12, 941.13, 941.15, 941.16, 941.17, and 941.18, are hereby amended, and section 941.28 is hereby adopted, 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:

3/14/11

*[Signature]*  
**PRESIDENT OF COUNCIL**

*[Signature]*  
**CLERK OF COUNCIL**

Approved:

Date:

3-14-11

*Randy R. Hoast*  
**MAYOR**



# EXHIBIT “A”

## CHAPTER 941

### Cemeteries

#### 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 Utility Department, 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 an 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 seventy-five dollars (\$75.00) 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<br/>Resident</u> | <u>Out of City<br/>Resident</u> |
|---|-----------------------------|---------------------------------|
| (a) Weekdays (except weekends and holidays)   | \$ 450.00                   | \$ 550.00                       |
| (b) Weekends and holidays   | \$ 600.00                   | \$ 700.00                       |
| (c) Cremation – Weekdays<br>(except weekends and 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. |                             |                                 |
| (f) When funeral is that of an infant<br>(except weekends and holidays)   | \$ 150.00                   | \$ 250.00                       |
| (g) When funeral is that of an infant<br>(weekends and holidays)  | \$ 200.00                   | \$ 300.00                       |

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 space or spaces as agreed by the Director. No sums shall be received by the Director which are less than the minimum charges for perpetual care hereinafter. 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 lot.
- (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 spaces described in such agreement.

941.17 EFFECTIVE DATE OF CHARGES.

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

941.18 PRICING OF CEMETERY SPACES.

The cost of burial spaces, which include Perpetual Care, in the Cemetery shall be as follows:

|                            |                                |
|----------------------------|--------------------------------|
| In City<br><u>Resident</u> | Out of City<br><u>Resident</u> |
| \$ 200.00 per space        | \$ 400.00 per space            |

A space is four feet by twelve feet.

941.28 LOTS/SPACES.

There shall be no changes made to lot/lots or space/spaces without prior approval of the Service-Safety Director, or his designee.