

Tabled 5-23-22
Died 6-13-22

Sponsor: Peterson/Ondora

ORDINANCE NO. 19- 22

AN ORDINANCE REPEALING AND AMENDING THE CITY OF JACKSON'S CODIFIED ORDINANCE SECTIONS 941.09, 941.14, 941.15, 941.16, 941.17, 941.18, 941.20, 941.21, 941.22, 941.27 AND 941.30 GOVERNING OPERATION OF THE CEMETERY.

WHEREAS, the legislative authority of the City of Jackson has published certain general and permanent ordinances in a volume of Codified Ordinances including sections 941.09, 941.14, 941.15, 941.17, 941.18, 941.20, 941.21, 941.22, 941.21, and 941.27 and creating 941.30 associated with the operation and funding of the City cemetery; and

WHEREAS, Ohio R.C. 759.11 provides that the Director of Public Service may make bylaws and regulations for the management and protection of the cemeteries under the Director's control and for the burial of the dead therein and the Director has recommended the changes herein to be made as they are necessary for the management and protection of the Cemetery; and

WHEREAS, the legislative authority of the City of Jackson has determined it necessary to revise sections 941.09, 941.14, 941.15, 941.16, 941.17, 941.18, 941.20, 941.21, 941.22, and 941.27 and to create 941.30; and

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, OHIO THAT SECTIONS 941.09, 941.14, 941.15, 941.16, 941.17, 941.18, 941.20, 941.21, 941.22 AND 941.27 BE AMENDED AND TO CREATE 941.30 REGARDING THE OPERATION OF THE CITY CEMETERY AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO WITH THOSE STRUCK THROUGH PORTIONS BEING REMOVED AND REPLACED WITH THE UNDERLINED LANGUAGE SHOWING THE AMENDMENTS TO THE ORIGINAL LANGUAGE AND THAT IT BE REPLACED WITHIN THE JACKSON CITY CODE, IN REGULAR TEXT. ALL OTHER SECTIONS OF CITY CODE 914 SHALL REMAIN.

It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this ordinance were adopted in an open meeting of this Council and the deliberations of this Council and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this ____ day of _____, 2022.

EXHIBIT "A"

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. The deed shall not pass to purchaser the title in fee but only a license or easement therein for burial purposes and the right to erect a monument and Purchaser cannot exercise the same rights of ownership as in other real estate. Grantee(s) cannot mortgage, sell the burial lot nor can it be sold by an executor or administrator for the payment of debts.

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

Operational costs and maintenance of the City's cemeteries will be funded through a general levy(s) and fees established pursuant to section 941.18 and by the full faith and credit of the City. Perpetual Care funds shall no longer be collected. All Permanent Care funds previously collected shall be maintained and that funds interest used in accordance with Ohio law.

~~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.~~

~~(Ord. 25-19. Passed 8-12-19.)~~

941.16 PERPETUAL AND ANNUAL CARE; FEES.

REPEALED.

~~—(a) Fees and charges for perpetual and annual care, which shall include seeding, mowing and cleaning, shall be determined by the Director of Public Service and Safety and a written copy of said fees and charges shall be maintained in the City Utility Office.~~

~~—(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 purposes 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.

REPEALED.

~~The charges and fees provided in this chapter shall continue to be effective as established on and after March 14, 2011, except as to annual care charges which shall continue to 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 determined by the Director of Public Service and Safety and a written copy of said costs shall be maintained in the City Utility Office.

941.20 PLANTING OF DECORATIVE ITEMS, FLOWERS, SHRUBBERY AND TREES PROHIBITED.

The planting of rosebushes, barberry, large flowers, shrubbery or trees of any kind, size or type is prohibited. Except for seasonal flowers planted in the ground, no containers on the ground, at either end of the gravestone, and not to extend beyond the width of the base. Such flowers may remain between May 1st and September 30th of each year.

Decorative items may be placed at either end of the monument in place of flowers, but must follow the same guidelines, not to extend beyond the width of the base and may remain between May 1st and September 30th of each year.

No unsecured decorative items shall be placed on the monument and no decorative items shall be placed in front of or behind the monument on the burial lot.

Grave blankets are permitted from Thanksgiving to Easter each year.

Any such item(s) that interferes with grounds keeping 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.

941.21 CORNER STONES, BORDERS OR CURBING AND FOOT MARKERS.

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. Foot markers shall not extend above ground level.

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 before August 10, 2010 may continue, but may not be replaced as such bench/chair deteriorates or becomes unusable. Any bench/chair that interferes with grounds keeping 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. (Ord. 67-10. Passed 8-10-10.)

941.27 MAUSOLEUMS.

There shall be no mausoleums or any other structure that are intended or designed to contain vaults, caskets, or other containers used in the aboveground interment of bodies, allowed in Fairmount Cemetery. This section is not intended to prevent the construction of monuments or any below-ground interment, as first approved by Ord. 97-98, passed on 10-26-98. .

~~—(a) 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.~~

~~—(b) 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.~~

~~—(c) 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.~~

~~—(d) 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.~~

~~—(e) Burial rates shall be the same as those set forth in Section 941.13.~~

941.30 SOLDIERS CIRCLE

The Soldiers' Circle was an organization that was formed in the United States, its members were men and women who'd done their two-year conscription stint in the army. The Fairmount Cemetery has 2 Soldiers' Circles; the first was dedicated on Memorial Day 1912 where a Bronze Table was place on Cemetery Hill containing Lincoln's Gettysburg Address surmounted by a Lincoln Medallion, there are no bodies buried in this circle. The second was established in 1961 on the western side of the cemetery, where the cemetery flag is displayed. Burials occurring in this circle require all grave markers are to be flush with the ground and decorations are limited to those associated with honoring the military veterans.

President of Council

ATTEST:

Clerk of the Legislative Authority

Approved this _____ day of _____, 2022.

Mayor

