

CHAPTER 95: CEMETERIES

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§ 95.01 CREATION OF OFFICE OF CITY SEXTON/CEMETERY MANAGER.

There is hereby created the office of City Sexton/Cemetery Manager, which office shall be filled by appointment of the Mayor. The City Sexton may delegate responsibility to subordinate employees including a senior, journeyman, or apprentice sexton, or secretary.

(Ord. 2001-001, passed 2-12-01)

§ 95.02 CHARGE OF CEMETERIES, REPORTS.

(A) The City Sexton, under the direction of the Mayor, shall have entire care, control, management, and superintendence of city cemeteries, and shall perform such other duties in relation to the cemeteries as are now, or may be hereafter, provided by executive order, by the Union city code or other ordinance or resolution of the Union City Commission, or by the laws of the state of Kentucky.

(B) The Sexton shall pay into the city treasury through the City Clerk, all monies that come into his hands by virtue of his office, and shall annually make a full and complete report of his official doings to the Mayor, and shall make other reports as the Mayor or City Commission may from time to time require.

(Ord. 2001-001, passed 2-12-01)

§ 95.03 DUTIES AND REMUNERATION.

(A) It shall be unlawful for any person to violate any portion of the Union city code or any rule or regulation as set forth in the Union city code or hereafter enacted and published by the city respecting the city cemetery. The City Sexton shall be empowered to enforce all sections of the Union city code, other city ordinances, policies, procedures, rules, orders, and regulations established for operation of the city cemetery, including rules and regulations enacted to keep the cemetery, and the enclosure around said cemetery, in good maintenance and proper repair and to prevent the destruction or defacing of cemetery grounds. The Sexton shall have the assistance of the City Attorney's office in enforcing, apprehending, and prosecuting violators of the Union city code, other city ordinances, rules and regulations.

(B) The Sexton shall be responsible to keep the streets, alleys, walks, and avenues in the cemetery in good order and unobstructed so that free access can be had to any lot. The Sexton shall cause a suitable marker to be erected upon the southeast corner of each lot with the number of the lot and the block inscribed thereon. The Sexton shall have the assistance of the City Engineer in all instances requiring the services of an engineer.

(C) The Sexton shall manage the opening and closing of all interments and disinterments. He shall have charge of a plat of the cemetery and shall at the request of any person wishing to purchase, point out any of the lots or parts of lots, unoccupied for sale; and upon application and payment of the price thereof into the city treasury, to make and execute a certificate of burial rights to the purchaser.

(D) The Sexton shall be paid the sum of one hundred dollars (\$100.00) monthly, such amount to be adjusted periodically at the request of the Mayor or City Commission.

(Ord. 2001-001, passed 2-12-01)

§ 95.04 REGISTRAR OF BURIALS.

The City Sexton shall be the registrar of burials for the city. Before burying or disinterring any body, the persons having charge of said body shall be required to furnish a copy of the death certificate, or a statement of said death, which shall be recorded in a record kept for that purpose by the Sexton. Such statement, as well as the record, shall include, if known, the name of the person deceased, when and where born, parentage, the date of death, also the date of burial, the name of the cemetery, the number of the lot and block where said person is buried, and if disinterred and transferred beyond the corporate limits of the city, the place of destination.

(Ord. 2001-001, passed 2-12-01)

§ 95.05 PURCHASE OF BURIAL RIGHTS.

(A) The city shall sell only the right to be buried in the city cemetery. The purchase of burial rights in any lot or parcel shall be evidenced by a Certificate of Burial Rights and shall be sold for the prices and charges in force by the city at that time.

(B) Included in the purchase price, perpetual care and maintenance of cemetery lots shall be assumed by the city.

(Ord. 2001-001, passed 2-12-01)

§ 95.06 PERPETUAL CARE AND MAINTENANCE.

(A) The term “perpetual care and maintenance” as used in this chapter shall mean the filling of sunken graves, the placing of topsoil upon graves, the seeding or sodding of the grave site, watering and cutting of the grass except in times of drought, but does not include any other service.

(B) Charges shall be made for all other services and improvements according to fee schedules established by the City Commission. If no fee has been established for specific special service as requested, the Sexton shall assess a reasonable sum based upon the cost to the city.

(Ord. 2001-001, passed 2-12-01)

§ 95.07 RIGHTS OF CITY AND CERTIFICATE/DEED HOLDERS.

(A) In administering the cemetery, the city shall be entitled to all rights and prerogatives granted to it in law or equity, including any rights set forth in the Kentucky Revised Statutes or any subsequent amendment thereof. The omission or failure to assert any right or prerogative by the city in any particular shall not constitute a waiver of the right.

(B) Upon payment of the purchase price for any lot or burial space, the certificate issued by the City Sexton in the name of the purchaser shall vest the burial rights in the purchaser. The nature and extent of rights acquired by purchase of a certificate of burial rights (and heretofore deed) shall be the right to use the burial space or lot for burial purposes only and subject to all rules, regulations, limitations and conditions imposed by the Union city code, other city ordinances, Kentucky state law, and by the Sexton as are necessary for efficient care of the cemetery.

(C) The city reserves the right of easement over and across any lot or burial space in the cemetery for repair of turf, installation or maintenance of water pipes or water lines for the improvement of the cemetery, and for the opening and closing of adjacent graves. The Sexton will be responsible to see that all the work is completed and the surface returned to proper condition after such installation or maintenance work.

(D) All lots and parts of lots in the cemetery shall be exempt from execution and from taxation.

(Ord. 2001-001, passed 2-12-01)

§ 95.08 RECORDS OF CONVEYANCES.

(A) The City Sexton shall keep a plat of all conveyances executed under the provisions of this chapter, stating the property conveyed, the date of such conveyance, the name of the person to whom conveyed, and the amount received for the same.

(B) Transfer of title of burial rights by the city shall hereafter be by certificate and shall comply with applicable Kentucky law. When a previously issued deed or certificate of burial rights is purchased by, or transferred to, a third party, or reverts to the city, the original shall be presented to the City Sexton, and before a new certificate of burial rights is issued covering said plot, the original deed or certificate shall be canceled and the records so changed. Transfer from a grantee on a deed or on a certificate of burial rights shall be recognized only upon presentation and authentication by the City Sexton. The City Sexton shall keep an index book of all burial spaces or lots to which deeds or burial rights have been issued and shall show any transfer from the original purchaser to any subsequent owner, and also shall index any probate or other judicial proceeding which affects the ownership of a lot or burial space. If a deed or certificate cannot be located by an individual or a family for presentation to the Sexton, the Sexton may, with the authorization of the city's Mayor or City Clerk, make such arrangements for transfer and/or burial as are equitable and appropriate considering all the circumstances.

(Ord. 2001-001, passed 2-12-01)

§ 95.09 ABANDONMENT OF RIGHTS.

(A) The city shall have the discretion to reclaim, redeem, or recover any abandoned, unused, or unkept cemetery lots or parcels conveyed by deed or certificate, with or without restrictions, by following the procedures set forth in law.

(B) In the event than any owner of any lot or burial space or heir of such person subsequent to the completion of the abandonment proceedings as set forth hereafter, shall present to the Sexton a deed, certificate, or proof of probate or other legal conveyance of the said lot or space, the City Sexton, upon payment in full of all fees and costs assessable against property, may issue a certificate of burial rights for an equivalent lot or burial space.

(Ord. 2001-001, passed 2-12-01)

§ 95.10 OPENING GRAVES, INTERMENT, AND DISINTERMENT.

(A) Upon proper application of the owner of a lot, payment of the required fee, and eight (8) working hours notice, the Sexton shall cause the grave to be opened. The Sexton shall superintend every interment and shall cause the grave to be filled up and neatly trimmed immediately after depositing the coffin and shall fill up and trim all graves that have settled or may hereafter settle. The city is not responsible for any error in opening graves when orders are given other than in writing.

(B) It shall be unlawful for any person to be buried in the cemetery without the casket being placed in a permanent-type vault, which vault type must be approved by the Sexton.

(C) Cemetery grounds are sacredly devoted to the interment or repose of the dead. In those circumstances where it is necessary to disinter or remove remains from the cemetery all applicable state laws must be complied with. The Sexton will schedule and direct the exhumation after applicable fees have been paid, and all required forms are received.

(Ord. 2001-001, passed 2-12-01)

§ 95.11 MAINTAINING HEDGES, COPINGS, MONUMENTS, ETC.

It shall be unlawful for any person to erect or maintain any fence, corner post, coping, hedge or boundary of any kind upon any lot, street, alley or walk in said cemetery, or grade the ground or land thereof. The Sexton shall, whenever required, furnish the true lines of said lots according to official survey, and shall prevent and prohibit any markings of the same save and except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land. It shall be unlawful for any person to plant any shrubs, trees, lawns, etc., or place any monuments or markers upon any lot in said cemetery without a written permit from the City Sexton, and unless the same is done under the direction and supervision of the City Sexton.

(Ord. 2001-001, passed 2-12-01)

§ 95.12 SPECIFICATIONS FOR MONUMENTS, MARKERS, ETC.

The placing of monuments and markers is done so at a purchaser's own risk, shall be accomplished under the direction of the City Sexton, and shall comply with all specifications herein enumerated. The city assumes no obligation or responsibility to repair or replace markers or monuments damaged by an owner or third parties, or damaged as a result of a failure to comply with the directions of the City Sexton, or failure to comply with the following specifications:

(A) It shall be unlawful for any person to erect or place any monument on any lot in the city cemetery, unless the same shall be placed on a good concrete foundation eight (8) inches deep or deeper, if deemed necessary by the Sexton, with a cement apron (lawnmower strip) not less than eight (8) inches wide around said monument. For purposes of this chapter, a monument is defined to be: any structure, tree, plant, urn, cenotaph, mausoleum or crypt, or any structure designed to perpetuate the memory of the dead; all other structures erected in the cemetery lots are hereby designated as "markers".

(B) It shall be unlawful for any person to place any monument on any lot in the said cemetery made of any material other than metal, stone or cement.

(C) All markers placed in the cemetery shall be flush with the lawn securely set in the cement foundation at least four (4) inches deep with a cement lawnmower strip not less than eight (8) inches wide around the said marker, provided that where markers have been placed in lots in the lot part of the cemetery which are not flush with the lawn as provided herein, then other markers of a like design and character shall be installed in the same lot in order to maintain a uniformity of markers in the said lot.

(D) It shall be unlawful for any person to place more than one (1) marker or monument on any one grave, except that a military marker may be placed in front of the face of a double marker, flush with the ground and directly over the grave, to memorialize veteran status.

(E) It shall be unlawful for any person to place more than two (2) flower vases on the grass skirt of any one monument or marker and at least four (4) inches of cement of proper depth must extend beyond such vase. When two (2) vases are put in the grass skirt of any grave marker or monument they must be placed on each side of or north and south of said marker or monument. Open holes in grass skirt or any part of the grave shall not be allowed.

(F) The City Sexton is authorized to arrange and to maintain trees, shrubs and other landscaping to enhance the beauty of the cemetery.

(Ord. 2001-001, passed 2-12-01)

§ 95.13 DAYS WHEN BURIALS ARE PROHIBITED.

Burial shall not occur on Christmas, New Year's Day, Memorial Day, Thanksgiving, Fourth of July, Labor Day and Sundays. Provided, however, that a burial may be permitted on any of the days described above if the deceased died of a contagious disease, or if other health or welfare concerns so require.

(Ord. 2001-001, passed 2-12-01)

§ 95.14 DOUBLE DEPTH BURIALS PROHIBITED.

Double depth burials are prohibited except where authorization has previously been granted by the city in writing.

(Ord. 2001-001, passed 2-12-01)

§ 95.15 EAST-WEST BURIALS.

All burials shall be with the length of the casket on an east-west alignment unless the lot or parcel is not large enough or so aligned as to allow east-west burial; then upon application to the Sexton, such burial will be allowed to be on a north-south alignment. The Sexton shall give permission for the irregular burials only under those circumstances when the markers would be

compatible with others already established in the same area. The markers for all north-south burials must be level with the ground.

(Ord. 2001-001, passed 2-12-01)

§ 95.16 OPERATION OF VEHICLES AND SPEED LIMIT.

(A) It shall be unlawful for any person to drive or operate a vehicle on cemetery grounds except on clearly designated areas designed for motor vehicle traffic.

(B) It shall be unlawful for any person to drive or operate any motor vehicle within the limits of the cemetery at a rate of speed greater than ten (10) miles per hour, or in any other manner that would endanger persons or property.

(Ord. 2001-001, passed 2-12-01)

§ 95.17 CURFEW AND DEFACING PROPERTY.

(A) It shall be unlawful for any person not authorized by the City Sexton to be in the cemetery from one-half hour after sundown to one-half hour before sunrise of any day. A person will be considered to be "in the cemetery" if he or she is within the perimeter of the cemetery as established by a fence, or is upon any portion of the property set aside as present or future cemetery property as designated in the appropriate records of the city and county.

(B) Cemetery patrons only are allowed in the cemetery. It shall be unlawful for any person to climb over or crawl under the cemetery fence or to damage a cemetery fence.

(C) Children under twelve (12) years of age must be accompanied at all times on the cemetery property by a parent or some supervising adult eighteen (18) years of age or older.

(D) It shall be unlawful to engage in recreational or other inappropriate activities on the cemetery property.

(E) It shall be unlawful for any person to injure or deface any monument, marker, tree, shrub or any other property in the city cemetery.

(F) The Sexton, any person working for the Sexton's office or any peace officer is empowered to enforce the provisions of this section and to abate any vandalism or trespassing within the cemetery property.

(G) Any violation of this chapter will constitute a misdemeanor.

(Ord. 2001-001, passed 2-12-01)

§ 95.18 FLOWERS.

(A) The City Sexton may remove all floral pieces left on new graves longer than five (5) days.

(B) For the protection of the workmen and the beauty of the grounds of the cemetery, artificial flowers will not be allowed on graves during the mowing and maintenance season, April 1 to November 1, inclusive, except for Memorial Day decorations which must be removed within one (1) week after Memorial Day.

(C) All flowers and other decorations should be confined to the headstone and its cement apron. Glass containers are prohibited and will be removed from the cemetery on discovery. Items driven into the ground such as iron, wires, sticks and pegs are prohibited and may be removed upon discovery.

(D) The city, its employees and agents, shall not be responsible or liable for theft of, damage to, or injury arising from flowers, decorations, and other personal property left in the cemetery.

(Ord. 2001-001, passed 2-12-01)

§ 95.19 ANIMALS PROHIBITED.

No animals shall be allowed in the city cemetery unless confined in a vehicle. It shall be unlawful for any person having the care of any animal to allow the animal to be within the cemetery, except physically confined in a motor vehicle.

(Ord. 2001-001, passed 2-12-01)