

## **ORDINANCE NO. 1363**

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 3 OF THE CODE OF THE CITY OF GIRARD, KANSAS BY REPEALING SECTIONS 301-312 PERTAINING TO GIRARD CEMETERY AND REPLACING THEM WITH SECTIONS 301-316 PERTAINING TO GIRARD CEMETERY.

### **Section 1. REPEALING SECTIONS 301-312**

Hereby repealing sections 301-312 of the Code of the City of Girard pertaining to the cemetery regulations and replacing them with sections 301-316 of the Code of the City of Girard pertaining to the cemetery regulations.

### **Section 2. Cemetery Regulations**

#### **12-301. Definitions.**

- a) Lot hereinafter defined as a group of twelve (12) spaces each connected to each other in a manner that six (6) are attached north and south on an east half and the remaining six (6) are attached north and south on a west half to complete one block of twelve (12).
- b) Half lot hereinafter defined as a group of six (6) spaces each connected to each other in a manner that three (3) are attached north and south on an east half and the remaining three (3) are attached north and south on a west half to complete one half of one lot.
- c) Quarter lot hereinafter defined as a group of four (4) spaces each connected to each other in a manner that two (2) are attached north and south on an east half and two (2) are attached north and south on a west half to complete one quarter of one lot.
- d) Space hereinafter defined as a single space existing within a lot and recognized as one burial space 48" x 96".

#### **12-302. Access to grounds.**

The owners of spaces and/or lots and their friends or family shall have access to the grounds at all reasonable times subject to such regulations governing the cemetery as shall be established by the City Council.

#### **12-303. Detrimental trees and shrubs; removal.**

If any tree or shrub in any lot or space shall, by means of its' roots, branches, or otherwise, become detrimental or inconvenient to the adjacent lots, spaces, walks, or avenues, it shall be the duty of the cemetery sexton to notify the proprietor of the lot or space on which such tree or shrub is growing to remove the same, and on his or her failure to do so the cemetery sexton shall do or cause the same to be done.

#### **12-304. Price of spaces.**

All individual grave spaces shall be sold for a cash price of \$200.00.

**12-305. Designation of lots for sale of grave spaces.**

The governing body of the city may from time to time designate certain lots or parts of lots in which individual grave spaces may be sold by minute record made of such action.

**12-306. Half lots.**

Any person or persons may buy a half lot off of any lot unsold, unless there is a half lot unsold and owned by the city, in which event the latest mentioned half lot must be sold before the city will sell a half lot from a whole lot.

**12-307. Monuments; location.**

(a) Whole and Half Lots. All monuments shall be placed in the center of each lot or half lot, in a straight line running north and south, facing east and west.

(b) Quarter lots. All monuments/headstones shall be placed in the center of a quarter lot in a straight line running north and south, facing east and west. The monument headstone may not be more than 30 inches high and two feet wide and may not extend past the vault lid.

c) Any secondary stones added to a space in addition to the primary stone shall be placed at the level of the ground so as not to interfere in the mowing of the lot or lots with a lawn mower.

**12-308. Grave Openings.**

Graves shall be opened by the cemetery sexton and the charge therefore shall be \$300.00 payable in cash prior to such opening. The charge for cremation and infant grave openings shall be \$150.00. These rates apply only during regular business hours, 7:30 a.m. to 4:30 p.m., Monday through Friday. On holidays and from 4:30 p.m. until 7:30 a.m. Mondays, the charge shall be \$450.00 and the charge for cremation and infant grave openings shall be \$300.00 for each grave opening. There shall be a maximum of 4 cremains burials allowed per space.

**12-309. Leveling Graves.**

All graves in this cemetery when six months old shall be leveled by the cemetery sexton and blue grass sown thereon.

**12-310. Curbs.**

No person or persons owning a lot or lots in this cemetery will be permitted to place a curb around the lot or lots without first obtaining permission in writing from the cemetery sexton, and in placing the curb, the top thereof shall not be above the level of the ground so as to interfere in the mowing of the lot or lots with a lawn mower.

**12-311. Placement of flowers and ornaments.**

The placing of cut flowers, plastic flowers, or ornaments shall be permitted on individual crypts and graves; provided, however, that the City shall not be responsible for the care of such

flowers or ornaments, or the containers therefor. The City shall have the authority to remove, without notice, all such flowers and/or ornaments, and containers therefor, including trellises and racks, that remain over seven days. All flowers or ornaments shall be placed on or behind the stone in a manner so as not to interfere in the mowing of the lot or lots or alleyways between lots.

**12-312. Planting.**

No shrubs, trees, or plants of any kind or nature shall be planted on any grave lot or space in Girard Cemetery, unless such planting is done by authorized Cemetery Sexton.

**12-313. Maintenance of Lots.**

The city shall keep the lots sold in this cemetery in a respectable condition by mowing the grass and taking therefrom all leaves and trash that may be accumulated on the lots, and keep the roads in the center in good condition.

**12-314. Burying in city.**

Any person who buries or causes to be buried or assists in burying any dead human body within the corporate limits of the city shall on conviction be fined not less than \$500 nor more than \$1,000. Such person shall also be liable for exhumation and reburial.

**12-315. - Additional rules and regulations.**

The Public Works Director is hereby authorized to promulgate additional written rules and regulations as deemed appropriate or necessary in connection with the care, maintenance, and control of Girard Cemetery so long as the same do not conflict with the provisions of this article.

**12-316 Endowment fund.**

a) Established. There is hereby established an endowment fund to be kept as a separate account for the purpose of caring for Girard Cemetery, a cemetery located entirely within the City limits, and owned by the City. The fund shall be named "The Endowment Fund of Girard Cemetery."

b) Contributions. The City is hereby authorized to accept contributions, donations, and gifts for the cemetery division and the mausoleum division and place such in a separate account to be designated "The Endowment Fund of Girard Cemetery."

c) Custodian. The City Clerk shall act as custodian of the fund and shall keep all records relating thereto, reporting to the Governing Body on an annual basis and at such other times as requested by either the Governing Body or the City Administrator.

d) Investment of funds. The City Clerk shall be authorized to invest the monies of both divisions of The Endowment Fund of Girard Cemetery in the same manner that he/she is generally authorized to invest public monies; provided, however, that he/she shall not be authorized to expend the interest accruing from such investments without first receiving budget authority from the Governing Body and, thereafter, shall expend the cemetery division funds only for the caring of cemetery grounds, planting trees and shrubs, and beautifying and improving the cemetery and the mausoleum division fund only for the repair and maintenance of the mausoleum or for beautifying and improving the adjacent grounds.

e) Use of funds. Until such time as the principal amount in the fund, as distinguished from the interest earned thereon, exceeds \$5,000.00, the Governing Body shall be without authority to use any of such principal for the purposes set forth in subsection (d) of this Section.

Notwithstanding anything in this Section to the contrary, the Governing Body may, by the passage of a resolution, transfer any of the principal sum which exceeds \$5,000.00 for the purposes of caring for the cemetery grounds, planting trees and shrubs, and beautifying and improving the cemetery or for repairing and maintaining the mausoleum.

**Section 3.** This ordinance shall be in full force and effect upon its' passage, approval, and publication according to law.

PASSED AND APPROVED THIS 8<sup>th</sup> DAY OF November, 2021.



Mickey J. Pyle, Mayor

ATTEST:



Karen E. Buck, CMC, CPM, City Clerk