

CITY OF JUNCTION CITY ORDINANCE NO. 2014-11

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2008-02

WHEREAS, the City of Junction City has previously enacted Ordinance No. 2008-02, pertaining to the operation of the City Cemetery, and;

WHEREAS, the City of Junction City Board of Council desires to amend certain provisions pertaining to Ordinance No. 2008-02, and;

WHEREAS, the fees for opening and closing of graves has not been increased for many years, and;

WHEREAS, the cost for opening and closing of graves has increased over that same period of time, and;

WHEREAS, additional funds are necessary to cover said costs;

NOW, THEREFORE, in consideration of the foregoing, BE IT AND IT IS HEREBY ORDAINED by the City of Junction City, Kentucky as follows:

1. Ordinance No. 2008-02 is hereby repealed.
2. Ordinance No. 2014-11, codified as Chapter 95: City Cemetery, shall read as follows.

I. MANAGEMENT OF CEMETERY

The Board of Council of the City of Junction City, Kentucky, shall manage the city cemetery in accordance with this ordinance.

II. LOTS

- a. Lots in the cemetery shall be sold by the City Clerk/Treasurer at a sale price of three hundred dollars (\$300) per lot, plus a deed recording fee, which shall be paid for prior to the internment of a body. All lots are to be sold and used

for the burial of deceased human remains only.

- b. All lots or portions thereof shall have their corners marked.
- c. All deeds to lots shall be executed by the Mayor. No lot or portion thereof shall be conveyed by deed until the full purchase price thereof shall have been paid. Lots or portions thereof may be contracted for installment sale with one-fourth down payment and the balance paid within twelve months subject to forfeiture of all payments made upon default. The City Council, upon request, may in its sole discretion elect to refund the amount or amounts paid based only upon dire necessity and poverty.
- d. Any owner of a lot or lots in the city cemetery who desires to sell same may only sell his lot or lots at a price or amount equal to or less than the amount listed in Section II(a) above.
- e. No burial shall be permitted to take place on any lot unless same shall have been sold or conveyed as herein provided; and the purchaser of all lots or parts of lots in the cemetery shall hold the same subject to these rules and regulations. The deed to each lot shall contain a clause referring to these rules and regulations and setting forth the fact that the deed to the purchaser is accepted upon the condition that he is to comply with all the rules and regulations for the government of the cemetery, as may be adopted from time to time by the Board of Council.
- f. All burials shall be made with an outer enclosure made of steel, metal, concrete, plastic, stone, or such other similar permanent materials as approved by the City.

- g. In addition, all graves shall be dug by the City or its agent, and no citizen or family of the deceased may be allowed to dig a grave, or have a grave dug privately.
- h. The Board of Council reserves the right to approve the specifications for any monument that may be installed and the manner of installation. All monuments, at a minimum, shall have a reasonable footer installed and the same shall be approved by the City or its designee. Prior to the installation of any monument, the City shall be advised of the size, style, and content of said monument to be installed and shall reserve the right to reject any monuments. Further, no above ground improvements other than the monument shall be constructed at the grave site. In the event the same is constructed, the Board of Council or its designees shall reserve the right to remove the same without notice.
- i. In the event any monument is installed without the approval of the City, then the same shall be subject to removal at the expense of the applicant or any individual causing the same to be installed without prior approval.

III. FEES AND CHARGES

- a. The fee for opening and closing of graves on weekdays shall be FIVE HUNDRED DOLLARS (\$500.00) and the fee for opening and closing of graves on weekends and holidays shall be SEVEN HUNDRED DOLLARS (\$700.00). Any such fee shall be paid in advance. All Sunday and holiday opening and closings will be only in the case of dire emergencies and must have prior mayoral approval. The opening and closing of cremation remains

shall be SEVENTY-FIVE DOLLARS (\$75.00) except that the fee for the opening and closing of cremation remains on Sundays and holidays shall be the sum of ONE HUNDRED DOLLARS (\$100.00) and shall only occur with prior mayoral approval. A cemetery lot must be purchased for each cremation remains. The cost for opening and closing of graves for infants (defined for this purpose as a child less than five years of age) shall be ONE HUNDRED DOLLARS (\$100.00). Each infant buried in the cemetery must have his or her own lot. Only one body or set of cremation remains per lot will be allowed in the Junction City Cemetery. All monies collected for digging graves or for any other service rendered in the said cemetery shall be paid to the City Clerk. The income from all funds, if any, shall be paid to the City Clerk for deposit in the city treasury.

- b. There are hereby created the following two (2) nonexpendable trust funds for the purposes stated and subject to the terms and conditions hereinafter stated:
 - i. Cemetery Perpetual Care. To account for twenty (20) percent of the gross selling price of each grave site or lot sold by the city. The principal shall remain intact. The income of this fund is used for the general care and maintenance of the cemetery, including the purchase of additional land for cemetery expansions when needed.
 - ii. Cemetery Nonexpendable Fund. To account for bequests and gifts left to the City of which only the interest portion can be used for care of the cemetery or individual burial lots as may be specified in the bequests or gifts. The principal is designated to remain intact.

- c. Care and general care shall mean maintaining in good order cemetery grounds and the lots therein; maintaining, replacing, improving and constructing drains, water lines, roads, walks, fences, buildings and other appurtenances therein, providing and maintaining in good condition the machinery, tools and equipment needed for the general care purposes; maintaining office routine and administrative functions necessary for general care purposes including records of lot ownership and burial and other required information and making the same available to the public authorities and interested persons.
- d. The care provided shall be furnished only insofar as the net income derived from the trust funds will permit. Net income shall be construed to mean the income actually received from the aforesaid funds less the necessary costs of administering said funds.
- e. Funds in the particular cemetery trust funds shall be managed, invested, and reinvested by the City in a manner and to the extent made and provided for by the laws of the Commonwealth of Kentucky.

IV. RULES OF CONDUCT IN CEMETERY

- a. No person shall enter upon any individual lot or enclosure in the cemetery or pull any flower or shrub without permission of the owner of the lot or the Board of Council.
- b. No person shall deface any monument, tombstone, or other structure in or belonging to the cemetery.
- c. No driving faster than ten miles per hour shall be allowed on the grounds and no driving on any other than regular carriage roads.

- d. No persons shall enter or depart from the grounds by any other way than by the gates.
- e. No dogs or guns are permitted to be taken on the grounds. No poultry or any kind of livestock shall be taken on the grounds or permitted to remain thereon.
- f. Children under 15 years of age shall not be permitted to enter the grounds without the company of their parents or some other responsible person.
- g. No loafing or loitering, loud noises, or boisterous conduct shall be permitted in the cemetery, nor shall the cemetery be used as a playground for children or a place of recreation or amusement.

V. DANGEROUS TREES OR SHRUBS

If any trees, shrubs, or bushes or any other structure situated on any lot in the cemetery be in the opinion of the Board of Council for any reason, detrimental, dangerous, unsightly, or inconvenient to adjacent lots, walks, or avenues, the Board of Council shall have the right to cause the same or any part thereof to be removed . The Board of Council shall adopt a list of types, forms, and sizes of vegetation (grass, flowers, plants, shrubs, and trees) which shall and shall not be permitted.

VI. FOUNDATIONS AND MARKERS

No monument, tombstone, marker, or other structures in the cemetery shall be made of any material except of granite, marble, or of such other stone or material meeting the approval of the Board Council. The Board of Council reserves the right to approve the specifications for any monument that may be installed and the manner of the installation. All monuments, at a minimum, shall have a concrete footer installed and the same shall be approved by the City or its designee. Prior to the installation of said monument, the

City shall be advised of the size, style, and content of any monument to be installed and shall reserve the right to reject any monuments. Further, no above ground improvements other than the monument shall be constructed at the gravesite. In the event any above ground improvement is constructed without prior municipal approval, the Board of Council or its designee shall reserve the right to remove the same without notice. In the event that any monument installed without the approval of the City, then the same shall be subject to removal at the expense of the applicant or any individual causing the same to be installed without prior approval. All graves shall be on a level with the ground and no lot shall be graded or raised above the level of the lots in its vicinity.

VII. MAPS AND PLATS

A map and plat for each city-owned cemetery shall be kept on file at the office of the City Clerk/Treasurer for the benefit of and inspection by the public.

VIII. PENALTY

Any person violating any provision of this chapter shall be fined, not less than \$50 or more than \$100 for each offense and each day of violation shall constitute a separate offense.

3. The provisions of this Ordinance are severable. If any section, sentence, clause, or section of this Ordinance or the application thereof to any particular case is for any reason found to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or part of this Ordinance.

4. This Ordinance shall be effective upon its final passage and publication and the City Clerk is hereby directed to publish this Ordinance in the Danville Advocate Messenger of Danville, Kentucky.

GIVEN FIRST READING AND PASSAGE: September 9, 2014

GIVEN SECOND READING AND PASSAGE: October 14, 2014

PUBLISHED: Oct 19, 2014

APPROVED: Jim Douglas
JIM DOUGLAS, MAYOR
CITY OF JUNCTION CITY

ATTEST: Susan Music
SUSAN MUSIC, CITY CLERK
CITY OF JUNCTION CITY