

**ORDINANCE NO. 3874**

**AN ORDINANCE OF THE CITY COUNCIL OF CLINTON, MISSOURI AMENDING CHAPTER 7 OF THE CLINTON MUNICIPAL CODE REGARDING CEMETERIES.**

**WHEREAS** an appointed committee comprised of City Council members has reviewed Chapter 7 of the Clinton Municipal Code; and

**WHEREAS** that same committee has made recommendations regarding changes to Chapter 7 of the Clinton Municipal Code; and

**WHEREAS** the Clinton City Council has the authority to amend the Clinton Municipal Code;

**NOW THEREFORE, THE CLINTON CITY COUNCIL REPEALS ALL OF CHAPTER 7 AND RE-ENACTS CHAPTER 7 AS FOLLOWS:**

**ARTICLE I. - IN GENERAL**

**Sec. 7-1. - Duties of city clerk.**

- (a) It shall be the duty of the city clerk to issue the proper permits and collect the authorized fee for permits for services at the Englewood Cemetery owned by the city. The city clerk shall issue deeds for the sale of cemetery lots and shall collect the funds paid to the city for their sale.
- (b) All fees collected for the permit and sale of lots shall be deposited in the cemetery fund.

**Sec. 7-2. - Oak Grove Cemetery closed to burial.**

No person shall be permitted to bury any body in Oak Grove Cemetery. The city clerk is forbidden to issue any permit for the opening of a grave in this cemetery. The sexton of the cemetery is forbidden to open or to permit to be opened any grave in this cemetery for the purpose of burying any body therein.

**Sec. 7-3. - Human remains.**

Only human remains shall be buried in Englewood Cemetery.

**Secs. 7-4 – to 7-10. - Reserved.**

**ARTICLE II. – BURIAL RULES AND REGULATIONS**

**Sec. 7-11. - Burial permits.**

No person shall be interred in Englewood Cemetery until a burial permit is purchased for said interment.

Bill No. 2014-06

- (a) Burial permit fees for burials on Monday through Friday shall be as follows:

Adults	\$ 500
Infants	\$ 150
Mausoleums	\$ 500
Cremains	\$ 150

- (b) No permits shall be issued for burials on Sundays, New Year's Day, Memorial Day, July 4th (Independence Day), Labor Day, Thanksgiving, and Christmas.
- (c) An additional fee of three hundred dollars (\$300.00) shall be assessed for burials on Saturdays and all holidays recognized by the City of Clinton which are not listed in subsection 7-11(b): Martin Luther King Day, Presidents Day and the Friday following Thanksgiving.
- (d) A fee of twenty-five dollars (\$25.00) shall be assessed for the disposition of cremains within the cemetery by means other than burial or placement in the columbarium.
- (e) A burial permit shall be purchased at least twenty-four (24) hours prior to the scheduled burial. This may be waived at the discretion of the sexton.

**Sec. 7-12. - Vault restrictions.**

All caskets or coffins shall be placed in an outer container of concrete, steel, bronze or other material approved by policy. No vault or outer container shall be placed aboveground in Englewood Cemetery.

**Sec. 7-13. - Monuments at Englewood Cemetery—Permits; regulations.**

- (a) *Definition.* For the purpose of this section, monument shall mean "any grave stone or marker of a permanent nature intended to mark and memorialize a burial grave."
- (b) *Permits.* No monument, monument foundation or other object of a permanent nature shall be installed or constructed in Englewood Cemetery until a permit is obtained from the cemetery sexton. Any monument or foundation placed without a permit shall be removed at the owner's expense.
- (c) *Inspections.* The cemetery sexton shall inspect foundations and monuments to verify conformance with cemetery regulations.
- (d) *Monument permit fees.*

<u>Monument Size</u>	<u>Fee</u>
<u>Less than 48" tall:</u>	
Up to 24 inches long	\$ 10
25 – 48 inches long	\$ 20
49 – 72 inches long	\$ 50
more than 72" long	\$125
<u>48" tall or more:</u>	
any length	\$ 125

Bill No. 2014-06

(e) *Monument regulations.*

- (1) All monuments shall be installed or constructed in accordance with *The Englewood Cemetery Monument Installation and Construction Manual* maintained by the Cemetery Sexton.
- (2) Foundations shall not encroach upon adjoining graves. Exceptions may be made by the cemetery sexton if the graves are owned by the same party.
- (3) Neither foundations nor monuments shall encroach upon cemetery property, such as walkways and driveways.
- (4) Removal or resealing of monuments after a grave is opened shall be done at the owner's expense.
- (5) Any foundation or monument placed in violation of these regulations shall be removed or corrected at the owner's expense.

**Sec. 7-14. - Grave lot prices.**

The price of each grave lot shall be six hundred dollars (\$600.00).

**Sec. 7-15. - Certificate of grave lot.**

Upon the payment of the purchase price of a grave lot, the grave lot shall be conveyed by deed signed by the mayor and attested by the city clerk. The clerk shall keep a record of the certificate when it is issued and the certificate shall be and hereby is made the deed of the city. The certificate shall be subject to a vendor's lien and pay and all annuities or assessments that by ordinance are to be required to be paid annually or otherwise. The certificate shall be in a form compliant with state statutes.

**Sec. 7-16. - Deed recording fees.**

Twenty-five dollars (\$25.00) shall be charged to transfer and record a grave lot deed.

**Sec. 7-17. - Cremains.**

All cremains to be buried in Englewood Cemetery shall be placed in a burial urn made of a suitable material as approved by policy. Any disposition of cremains, other than burial or placement in the columbarium, shall require a permit and fee. This shall include, but is not limited to, scattering, placement within a monument, and placement within a casket.

**Sec. 7-18. - Columbarium.**

- (a) The purchase price for a columbarium niche shall be \$475.00.
- (b) The charge to open any columbarium niche shall be \$50.00.
- (c) Cemetery policy shall determine the specific format and size of engravings allowed on face plates of columbarium niches.

**Sec. 7-19. – Indigent and unknown burials.**

- (a) Englewood Cemetery sections 706, 706.5 and 707 shall be reserved for burials for indigent or unknown persons.
- (b) A grave lot may be provided at no cost upon the recommendation of a funeral home located with the City of Clinton.
- (c) The location of the grave lot shall be determined by the Sexton.
- (d) Monuments in sections 706, 706.5 and 707 shall not exceed twenty-two (22) inches wide by twenty-four (24) inches tall.

**Secs. 7-20 – to 7-29. - Reserved.**

**ARTICLE III. – CEMETERY BOARD**

**Sec. 7-30. - Created; purpose.**

A cemetery board is hereby created to make recommendations concerning matters related to the city owned cemeteries.

**Sec. 7-31. - Appointed; term of office; removal.**

- (a) The mayor shall appoint, with the approval of the city council, a cemetery board, which shall consist of five (5) members. The members shall be chosen from the citizens at large, with reference to their fitness to the office. No member of the municipal government shall be a member of the board.
- (b) The members shall hold office as follows: two members for one year; two members for two (2) years; and one member for three (3) years, from the first day of April following their appointment. The mayor shall appoint annually thereafter, before the first day of April of each year, the appropriate number of members to maintain five (5) members who shall hold office for three (3) years and until their successors are appointed.
- (c) The mayor may, with the consent of the city council, remove any member for misconduct or neglect of duty. Vacancies in the board, occasioned by removals, resignations or otherwise, shall be filled in a manner similar to original appointments.
- (d) No member shall receive compensation for serving on the board.

**Sec. 7-32. - Duties.**

- (a) The cemetery board shall, immediately after appointment, meet and organize itself through the election of one of its number as president, and the election of such other officers as it may deem necessary.
- (b) The duties of the cemetery board shall be:

Bill No. 2014-06

- (1) Meet periodically with the cemetery sexton to receive reports and review the finances and operations of the department.
- (2) Assist the department in the development of policies and procedures and the preparation of plans for the use, maintenance, repair and replacement of department facilities and equipment.
- (3) Review the proposed annual budget for the department. Prior to June 1<sup>st</sup> of each year, the sexton shall submit the budget along with the board's recommendations to the city administrator for city council consideration.
- (4) Address concerns of citizens and groups.
- (5) Submit an annual report to the city council regarding cemetery activities, finances and programs with any recommendations it deems appropriate.
- (6) Address concerns of the city council and provide the council advice on matters concerning the cemeteries.

**Sec. 7-33. - Acceptance of donations.**

Any person desiring to make donations of money or real or personal property for the benefit of Englewood Cemetery shall have the right to vest title to the money or property in the city for the benefit of Englewood Cemetery.

**Secs. 7-34—7-40. - Reserved.**

**ARTICLE IV. – PERPETUAL CARE CEMETERY FUND**

**Sec. 7-41. - Established.**

There is hereby established a fund for the preservation, care, upkeep and adornment of Englewood Cemetery known as the perpetual care cemetery fund. The fund may accept and acquire by gift or donation, money or property which shall be credited thereto.

**Sec. 7-42. - Investment of donations.**

All moneys and funds placed in the perpetual care cemetery fund shall be invested by the treasurer of the perpetual care cemetery fund, from time to time, in bonds of the United States government, insured savings accounts, insured certificates of deposit, and insured corporate savings accounts in banks in the United States. The investment income shall be expended by the administrator of the fund for the preservation, care, upkeep and adornment of Englewood Cemetery, and for no other purpose whatsoever. The principal of the perpetual care cemetery fund shall not be encroached upon for any purpose whatsoever and no money shall be transferred out of the fund except for the purpose of being invested as herein provided.

Bill No. 2014-06

**Sec. 7-43. - Englewood Cemetery Perpetual Fund, Inc.**

Englewood Cemetery Perpetual Fund, Inc., a non-profit corporation, shall administer the perpetual care cemetery fund upon the terms and conditions of this article. The Englewood Cemetery board shall seat two (2) of its members on the governing body of the Englewood Cemetery Perpetual Fund, Inc., which together with one (1) member representing the McLane Memorial Trust Fund, one (1) member representing the Henry S. Kimbrough Trust, and one (1) member representing the Truman Lake Community Foundation shall comprise the membership and board of directors of the Englewood Cemetery Perpetual Fund, Inc. Members representing the McLane Memorial Trust Fund, the Henry S. Kimbrough Trust, and the Truman Lake Community Foundation shall be residents of the city.

**Sec. 7-44. - Filling vacancies.**

If the McLane Memorial Trust Fund, the Henry S. Kimbrough Trust, or the Truman Lake Community Foundation is unable to appoint a representative, the circuit court of the county shall appoint a duly qualified citizen of the city to fill the vacancy.

**Sec. 7-45. - Powers of Englewood Cemetery Perpetual Fund, Inc.**

The Englewood Cemetery Perpetual Fund, Inc. shall possess such powers as may be necessary to carry on its purposes above mentioned, including the employment of a bonded treasurer.

Read the first time this 6th day of May, 2014.

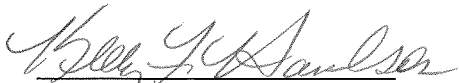
Read a second time and passed this 23rd day of May, 2014.

  
Greg Lowe, Mayor

ATTEST:

Ayes -5-Roger House, Carla Moberly, Debbie Smith, Jayne Taylor and Daniel Wilson

Nays-1-Brad Townsend

  
Kelly F. Harrelson, City Clerk

Absent/Not Voting-2 Absent-Gene Henry and Dustin Zaugg