

ORDINANCE 2016 - 39

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LOGANSPORT, INDIANA AMENDING ORDINANCE 2008-17 IN ITS ENTIRETY AND ESTABLISHING THE FEES AND POLICIES PERTAINING TO MUNICIPALLY OWNED CEMETERIES, SPECIFICALLY MOUNT HOPE CEMETERY AND ALL ITS SECTIONS, AND THE NINTH STREET CEMETERY

WHEREAS, The City of Logansport, ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council"); and,

WHEREAS, it is the duty and the responsibility of the Council to consider and adopt legislation intended to facilitate the smooth operation of City government; and,

WHEREAS, the Common Council of the City approved Ordinance 2008-17, establishing the fees and policies pertaining to municipally owned cemeteries, specifically Mount Hope cemetery and all its sections, and the Ninth street cemetery; and

WHEREAS the Common Council of the City of Logansport, Indiana finds that changes in circumstances are such that Ordinance 2008-17 needs to be amended; and

NOW, THEREFORE, BE IT ORDAINED by the Logansport City Council meeting in session as follows:

ARTICLE I. OPERATION

Sec. 7-1 General Provisions.

(A) **WORK DONE IN CEMETERIES:** It shall be unlawful for any person to dig any grave or make any other excavation, erect any burial vault monument, gravestone, marker, curb, coping, or structure of any character whatever, plant any tree, shrub, or other work in any cemetery owned, controlled by or committed to the custody of the City of Logansport, under the laws of the State of Indiana, except such work as is especially authorized by the Board of Public Works and Safety of the city or such work as may be generally authorized or required by the rules of said board and posted in and about such cemetery. All grave space owners desiring to erect any burial vault, monument, gravestone, marker, curb, coping, fence, or other structure of any character or desiring to plant any tree or other substantial growth on their respective grave space, ordinary floral decorations excepted, or to cut or remove any tree or substantial growth on, or that may hereafter be planted on, their grave space or spaces, shall first obtain permission from the Cemetery Sexton, who shall authorize the proposed work or improvement if such work or

improvement is in conformity with the city's ordinances and the rules and regulations promulgated by the City Board of Public Works and Safety. All required work shall be promptly completed according to said requirements and the applicant shall, upon completion of the work, restore the lot to its original condition consistent with such improvement and promptly remove from the cemetery all rubbish and refuse occasioned by it. If the Sexton denies any proposed improvement, the applicant to the Board of Public Works and Safety may appeal such denial. The Board of Public Works and Safety shall then set a time for a hearing on the Sexton's decision. The notice of intent to appeal must be filed within ten (10) days of the Sexton's decision or the right to appeal is waived.

The Cemetery Sexton shall have the right to remove or order to be removed shrubs or trees causing difficulty with maintenance or infringing upon other burial plots.

- (B) EMPLOYMENT OF SEXTON: The Mayor is hereby authorized to appoint a Sexton who is to have supervisory charge of any such cemetery, to prescribe and define his duties.

In addition to the duties established by the Board of Public Works and Safety, it shall be the duty of the Sexton to report to said board all violations of the city's ordinances and violations of the board's rules and regulations that pertain to the cemeteries. The Common Council of the City of Logansport in a general salary ordinance shall set the Sexton's salary annually.

- (C) OPENING AND CLOSING OF GRAVES: All graves for the interment of human remains shall be opened and closed by the Sexton or other employees of the cemetery unless the Sexton authorizes another person or firm to do the work. The Sexton may grant his/her approval for such excavation if he/she is reasonable satisfied that such charges including the charge for opening and closing the grave, will be promptly paid within a reasonable time after the grave's opening.

The size of the graves shall be 40 inches x 144 inches except for those in Highland 7th which will be 44 inches x 144 inches. Memorial Gardens will be 42 inches x 132 inches. Some rows are not 12 ft. long.

- (D) PERPETUAL CARE: The City shall provide for all lot owners, perpetual care, which shall consist of, but is not limited to, cutting grass and noxious growths; removal of rubbish and Jitter; keeping graves properly leveled and filled; seeding of graves; and performing all other work that shall be deemed necessary to meet the maintenance requirements and rules as established by the Logansport Board of Public Works and Safety. All grave spaces in Mount Hope and Ninth Street Cemeteries are provided

perpetual care.

- (E) **CEMETERY RECORD:** The Clerk-Treasurer of the city shall prepare and at all times keep in his/her office a book to be called "CEMETERY BOOK" in which shall be entered and kept a separate account of all cemetery lots of cemeteries owned or committed to the control of the city and shall make and enter therein all credits for the maintenance thereof.
- (F) **FORMULATING RULES AND REGULATIONS:** The Board of Public Works and Safety of the city is hereby authorized from time to time to adopt and promulgate administrative rules and regulations, not inconsistent with the laws of the state and the ordinances of the City of Logansport, for the control and management of all public cemeteries belonging to the city, or committed to its custody, by the laws of the State of Indiana. Such rules and regulations, which so adopted and posted in a plain, legible, and conspicuous manner at the entrance of any cemetery, shall be binding and effective on all persons affected thereby the same as if fully incorporated in this section and the violation of any such rule or rules shall be subject to the penalties herein prescribed.
- (G) **BURIALS REGULATED:** No interment of human remains shall be made within the city, except on the regular burial grounds already established, or hereafter established, or hereafter established, for such purpose and any person who shall enter such cemetery or burial grounds and inter any body without the authority and permit duly issued, as authorized by law, shall be deemed guilty of an infraction and subject to the penalties for the violation of this section.
- (H) **DEFACING CEMETERIES:** It shall be unlawful for any person to wantonly, carelessly, or maliciously alter, deface, break down, or destroy, or in any other way deface any vault, monument, gravestone, marker, curbing, coping, fence railing or post thereof, erected or maintained around any lot or graves of deceased persons in and public or private cemetery or burial grounds in said city or shall in like manner remove or injure any tree, shrub, plant, floral decorations, or sodding in such cemetery or burial grounds.
- (I) **PLACING OF MONUMENTS:** Permission for the erection or placement of any monument or grave marker shall be given upon payment of all charges due the City of Logansport, Indiana with respect to the involved grave spaces. Monuments must be placed on foundations substantial enough to carry the weight of the stone. A five (5) inch border shall be required. The City of Logansport shall not be responsible for the foundation or the stone after placement.
- (J) **BURIAL VAULTS:** A burial vault constructed of metal, fiberglass, concrete, or other similar substance must be provided for each interment. Plastic vaults may be used in Baby Walk only.
- (K) **CONDUCT IN CEMETERIES:** No obscene language or loud or profane conversation shall be allowed and no alcoholic beverage will be allowed within the municipally owned cemeteries. No motor vehicles shall be left unattended while the engine is in operation. No vehicle, except cemetery and monument vehicles performing their duties shall be driven on or over the lawns of such

cemetery, or at any other place other than on the driveways thereof, and no vehicle shall be driven faster than ten (10) miles per hour. The driveways shall only be used for cemetery purposes and shall not be resorted to for commercial use or other use having no connection with cemetery purposes. No firearms shall be discharged within the cemetery except at military funerals. No person or persons shall use any such cemetery for other than cemetery purposes. No litter, rubbish, or other refuse shall be carried or deposited within the confines of any such cemetery by any person. No interference with the Sexton or other delegated with the personal charge in the performance of duties in or with reference to such cemetery shall be permitted.

- (L) CHAPEL POLICY: All local funeral homes will be made available the chapel for a time period of one (1) hour free of charge. Any times over the one (1) hour will be charged the rate of Seventy (\$70.00) dollars per hour. This rule is to be enforced stringently. Five minutes over the hour will be charged for a half- hour at a rate of Thirty-five (\$35.00) dollars. Any out of town funeral home or private individual wishing to use the chapel will be charged seventy (\$70.00) dollars per hour. The same rules will apply to times over the hour. However, when two (2) requests for the use of the chapel are made for the same time, the Cemetery Sexton will decide who will use the chapel.
- (M) BURIAL RESTRICTIONS: Burials shall be restricted to human remains only. The number of burials that shall be allowed on one gravesite shall be limited to one of the following choices: (1) one full interment; (2) one full interment and two cremations; (3) one full interment and two babies; (4) one full interment, one baby and two cremations; (5) six cremations.
- (N) PENALTY: Any person violating any provision of this section or the rules adopted by the Board of Public Works and Safety as herein provided shall, upon conviction be fined in any sum not exceeding \$500 to which shall be added to costs of prosecution.
- (O) CEMETERY HOURS AND HOLIDAYS: Cemetery hours will be from 6:00 a.m. until 8:00 p.m. daily with prevailing time zone.

All municipality owned cemeteries will observe the following holidays each year:

New Year's Day	July 4 th
Martin Luther King	Labor Day
Day President's Day	Veteran's
Good Friday	Day
Election Days	Thanksgiving Day & Friday after
Memorial Day	Christmas Day

- If Christmas and New Year's Day fall on Monday , we will close Monday.
- If Christmas and New Year's Day fall on Tuesday, we will close Monday and Tuesday.
- If Christmas and New Year's Day fall on Wednesday, we will close Tuesday and Wednesday.
- If Christmas and New Year's Day fall on Thursday, we will close Thursday and Friday.
- If Christmas and New Year's Day fall on Friday, we will close Thursday and Friday.
- If Christmas and New Year's Day fall on Saturday, we will close Friday.
- If Christmas and New Year's Day fall on Sunday, we will close Monday.

(P) FLOWERS: All flowers will to be removed from new graves after 7 days from the date of burial unless the owner or person in charge of grave notifies the Cemetery Sexton.

ARTICLE II. FEES

Sec. 7-11 Charges for Plots, Care, Maintenance, Etc.

(A) COST OF GRAVE SPACE: The cost of each grave space in the cemetery (except for Highland 7th) owned or controlled by the city shall be as follows:

2017

\$760

The cost of each grave space in Highland 7th will be:

2017

\$1,030

The price for graves in Highland Seventh includes foundation for headstones or markers.

20% of the purchase price of each grave space shall be used exclusively for the perpetual care of the grave space, and such sum shall be deposited in the Cemetery Perpetual Fund.

(B) OPENING AND CLOSING GRAYES: The function of opening and closing of all graves, including seeding of said graves, shall be the responsibility of the City of Logansport. Fees for such service shall be as follows:

(1) ADULT ENTOMBMENT AND INTERMENT:

2017

Monday through Friday	Resident	\$700
Monday through Friday.....	Non-Resident	\$795
Saturday.....	Resident	\$885
Saturday.....	Non-Resident	\$980
Sunday & Observed Holidays.....	Resident	\$1,215
Sunday & Observed Holidays.....	Non-Resident	\$1,260

***There will be an additional charge of \$75 after 3:00 p.m.**

(2) CHILD ENTOMBMENT AND INTERMENT:

2017

Under twenty-eight (28) inches.....	\$280
Twenty-nine (29) to Forty-two (42) inches.....	\$325
Forty-three (43) to Sixty (60) inches.....	\$370
Over Sixty (60) inches.....	Adult fees

***There will be an additional charge of \$75 after 3:00 p.m.**

A child interred in a burial container (vault) up to thirty-six (36) inches may be placed on a grave space owned by a member of the family, at the head or foot of the grave space for charges specified in this section.

(3) The fee for interment in Baby Walk will be as follows:

2017

Interment in Baby Walk	\$270
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***There will be an additional charge of \$75 after 3:00 p.m.**

(4) If the burial be that of an individual for whom a burial allowance is payable by a county department of public welfare, the cost shall be the maximum allowance authorized by law, but in no event shall such charges be less than:

2017

Welfare burial on weekdays.....	\$305
Welfare burial on weekends & holidays.....	\$460

***There will be an additional charge of \$75 after 3:00 p.m.**

(C) BURIAL OF CREMAINS: The charge for the burial of cremations shall be as follows:

2017

Monday through Friday.....	Resident	\$345
Monday through Friday.....	Non-Resident	\$390
Saturday.....	Resident	\$490
Saturday.....	Non-Resident	\$585

Sunday & Observed Holidays... .. Resident	\$585
Sunday & Observed Holidays.. Non-Resident	\$685

***There will be an additional charge of \$75 after 3:00 p.m.**

(D) COST OF MOUNT HOPE MAUSOLEUM CRYPTS: The charge for each cryptspace in a mausoleum for 2017 shall be \$ 3,380.

The Mausoleum crypts are cemetery owned or controlled by the city. The cost of the crypts shall be deposited into the Cemetery Endowment Fund. Two hundred (\$200) dollars of the purchase price of each crypt space shall be used exclusively for the perpetual care of the city mausoleum.

(1) OPENING AND CLOSING CRYPTS: The function of opening and closing of all crypts shall be the responsibility of the City of Logansport. Fees for such services shall be as follows:

	<u>2017</u>
Resident fee.. .. .	\$245
Non-Resident fee.....	\$320

***There will be an additional charge of \$75 after 3:00 p.m.**

The name and date lettering of the crypt shall be the responsibility of the owner of said crypt.

(2) CREMAINS RESTRJCTIONS: Burials shall be restricted to human remains only. The number of burials in each crypt shall be limited to one of the following:

- (a) One full entombment in one crypt.
- (b) One full entombment and two cremations in one crypt.
- (c) No entombments but up to six cremations in one crypt.

(E) ENTOMBMENT AND INTERMENT - NICHE COLUMBARIUM: The charge for the Niche Columbarium shall be as follows:

2017

\$920

The cost of the Niche Columbarium shall be deposited into the Cemetery Endowment Fund. Fifty (\$50) dollars of the purchase price of each Niche Columbarium shall be used exclusively for the perpetual care of the columbarium.

The fees for opening and closing the niche shall be as follows:

	<u>2017</u>
Monday through FridayResident	\$95
Monday through Friday.....Non-Resident	\$110
Saturday..... Resident	\$115
Saturday..... Non-Resident	\$130
Sunday & Observed Holidays.....Resident	\$130
Sunday & Observed Holidays Non-Resident	\$145

***There will be an additional charge of \$75 after 3:00 p.m.**

Only one interment will be allowed per Niche. The name and date lettering of the Niche shall be the responsibility of the owner of said Niche.

- (F) **MILITARY MARKERS:** Fees shall be paid by the county to a person to be designated by the Cemetery Sexton.
- (G) **DISINTERMENT OF A BODY:** There will be a flat fee of \$1,000 for the disinterment of a body. The entity ordering the disinterment of a body will be responsible for any cost incurred relating to the vault company or any other company needed for the opening/closing of said grave.
- (H) **PRIVATELY OWNED MAUSOLEUM OPENING:** The following are the charges for the opening of a privately-owned mausoleum.

	<u>2017</u>
Weekday.....	\$115
Weekend & Holiday.....	\$205

***There will be an additional charge of \$75 after 3:00 p.m.**

- (I) **BACKHOE/OPERATOR USE:** There shall be a charge of One hundred (\$100) dollars for the first hour of use of the backhoe and its operator for circumstances unrelated to the burial or disinterment of a body. The charge shall be One hundred (\$100) dollars for each additional hour or fraction thereof.
- (J) **METHOD OF PAYMENT:** All payments required hereunder shall be made to the Clerk- Treasurer of the City of Logansport, Indiana. The payments made for perpetual care shall be deposited in the Cemetery Endowment Fund of the City of Logansport.

ARTICLE III. MISCELLANEOUS RULES & REGULATIONS

Sec. 7-21 Refreshment Stands in Cemeteries

- (A) PROHIBITED. The erection of refreshment stands and the sale of soft drinks, confectionery, and refreshments in and upon cemeteries within the corporate limits of the City of Logansport is, and the same is hereby prohibited.
- (B) PENALTY. Any person violating this section shall upon conviction thereof be fined in any sum not exceeding ten (\$10.00) dollars, to which shall be added to the cost of the prosecution.

Sec. 7-22. This ordinance must be reviewed after its adoption every three (3) years by the Cemetery Sexton and the Board of Public Works and Safety with a report made to the City Council.

- (C) EFFECTIVE DATE. This ordinance shall be in full force and effect after its passage by the Common Council and approval by the Mayor of the City of Logansport, Indiana.

INTRODUCED, FILED AND APPROVED on first reading by a vote of 7 in favor and 0 opposed on the 22nd day of December, 2016.

DULY PASSED, ORDAINED AND ADOPTED this 22nd day of December, 2016, by the Common Council of the City of Logansport, Cass County, Indiana by a vote of 7 in favor and 0 opposed.

Common Council of the City of Logansport, Indiana

By: Teresa Popejoy
Teresa Popejoy, President

ATTEST:

Stacy L. Cox
Stacy L. Cox, Clerk Treasurer

Submitted to, approved by and signed by me, the Mayor of the City of Logansport, Indiana this 22nd day of December, 2016.

David D. Kitchell
David D. Kitchell, Mayor

Ord 2016-39