

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE 2005-05**

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AN ORDINANCE AMENDING ORDINANCE 2003-01, "AN ORDINANCE REGULATING CITY-OWNED CEMETERIES, PROVIDING DEFINITIONS; SETTING THE PRICE OF GRAVE SPACES INCLUDING PERPETUAL CARE; SETTING THE PRICE FOR OPENING AND CLOSING GRAVES ON WEEKDAYS, HOLIDAYS AND WEEKENDS; SETTING RATES FOR MAINTENANCE ON SPACES FOR WHICH PERPETUAL CARE HAS NOT BEEN PAID IN CITY-OWNED CEMETERIES; PROVIDING FOR USAGE OF PERPETUAL CARE INTEREST FUNDS; SETTING HOURS OF CEMETERIES; REGULATING TREES, SHRUBS, FOUNDATIONS AND MARKERS; ESTABLISHING RULES OF CONDUCT; PROHIBITING THE DESTRUCTION OR DEFACEMENT OF GRAVES; WITH A PENALTY CLAUSE, SEVERABILITY CLAUSE AND REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE" BY ADDING A NEW SECTION FOR REGULATIONS PERTAINING TO FLOWERS AND LANDSCAPING, WITH A SEVERABILITY CLAUSE, REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE"

WHEREAS, the City of Russellville, Kentucky, has previously enacted Ordinance 2003-01 entitled "AN ORDINANCE REGULATING CITY-OWNED CEMETERIES, PROVIDING DEFINITIONS; SETTING THE PRICE OF GRAVE SPACES INCLUDING PERPETUAL CARE; SETTING THE PRICE FOR OPENING AND CLOSING GRAVES ON WEEKDAYS, HOLIDAYS AND WEEKENDS; SETTING RATES FOR MAINTENANCE ON SPACES FOR WHICH PERPETUAL CARE HAS NOT BEEN PAID IN CITY-OWNED CEMETERIES; PROVIDING FOR USAGE OF PERPETUAL CARE INTEREST FUNDS; SETTING HOURS OF CEMETERIES; REGULATING TREES, SHRUBS, FOUNDATIONS AND MARKERS; ESTABLISHING RULES OF CONDUCT; PROHIBITING THE DESTRUCTION OF DEFACEMENT OF GRAVES; WITH A PENALTY CLAUSE, SEVERABILITY CLAUSE AND REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE;" and

WHEREAS, the City Council deems it be in the best interests of the citizens of the City of Russellville to amend this Ordinance to provide written regulations pertaining to flowers and landscaping at the City-owned cemeteries;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY, AS FOLLOWS:

SECTION A. There is hereby created a new section in Ordinance 2003-01 to read as follows:

LANDSCAPING AND FLOWER REGULATIONS

1. Artificial flowers, cut flowers and decorations are not to be placed on the ground, except on nationally recognized holidays; these artificial flowers, cut flowers and decorations will thereafter be removed within one (1) week after such national holiday.
2. There will be one Shepard's Rod allowed per grave space for flowers and hanging basket. Other permissible flowers are saddles on top of stones and flowers in vases secured to the stone. All benches existing as of March 22, 2005 are hereby permitted. All benches desired for placement after March 22, 2005, must obtain advance approval of the Sexton.
3. All flowers arrangements, saddles, etc., placed at the time of burial will be removed in seven (7) days, or when they deteriorate or discolor.
4. All temporary markers on new graves or graves without headstones must be approved by the Cemetery Sexton or Cemetery Commission.

5. Either the Sexton or the Cemetery Commission must approve all trees, flowers and shrubbery intended for permanent planting on a grave space. The City of Russellville, its agents and employees are not responsible, and have no liability for such trees, flowers or shrubbery that do not survive due to the weather or other natural causes. The City of Russellville, it agents and employees assume no responsibility and have no liability for any theft of or vandalism to any monument, stone, artificial flowers, cut flowers, decorations, saddles, flowers, trees, shrubbery or any other ornamental item placed at or on a grave space.
6. Any landscaping done without prior approval of the Sexton or Cemetery Commission may be subject to removal by the Sexton or Cemetery Commission.

SECTION B. SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application there of to any particular state of case is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegal it or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance, it being the legislative intent of this body to ordain and enact each other.

SECTION C. REPEALER CLAUSE

All ordinances or parts of ordinances in conflict herewith and now in effect are hereby repealed, but only to the extent of such conflict. Joint Resolution 91-8 that created the Cemetery Commission, and defined it powers and duties, shall remain in full force and effect.

SECTION D. EFFECTIVE DATE

This ordinance shall become effective upon passage and publication as required by law.

FIRST READING conducted the 21ST day of February, 2005.

SECOND READING AND PASSAGE ON the 22nd day of March, 2005.



SHIRLEE YASSNEY, MAYOR

Ayes: Jones, Russell; McPherson, Lanny; Phillips, Charles; Stratton, Mark; Whipple, Jack; Zick, Eugene.

Nays: none

Abstaining: none

Absent: none

ATTEST:



BOB RIGGS, CITY CLERK