

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE 2016-07**

**AN ORDINANCE AMENDING
CODE OF ORDINANCES, CHAPTER 95: CITY CEMETERY,
TO REPEAL THE REQUIREMENT OF A CEMETERY COMMITTEE AND
TO IMPROVE THE PROCEDURE FOR THE CONSTRUCTION OF
PERMANENT STRUCTURES IN THE CEMETERY**

WHEREAS, Chapter 95: City Cemetery, of the Code of Ordinances of the City of Russellville, provides for a Cemetery Committee that is no longer necessary, and as such, the sections of Chapter 95 relating to said committee need to be amended and/or repealed; AND

WHEREAS, the City Council of Russellville, Kentucky deems it appropriate and necessary to make said changes.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Russellville, Kentucky that:

SECTION I. SUBSTANTIVE AMENDMENTS. Code of Ordinances, Chapter 95: City Cemetery, and the corresponding ordinances, are hereby amended as follows:

1) §95.02 MANAGEMENT OF CEMETERY ~~Committee~~.

~~(A) There shall be a four-member Cemetery Committee. Three persons shall be appointed by the Mayor to the Cemetery Committee and one member of the City Council shall also be a member of the Cemetery Committee. Persons appointed to the Cemetery Committee shall be appointed each for a term of two years and until their successors are appointed. However, the first Committee appointed under this chapter shall be: One for the term of two years; one for the term of three years; and one for the term of four years. Successors in office to the first Committee shall be appointed for two-year terms in order to stagger Committee vacancies.~~

~~(B) It shall be the duty of the Cemetery Committee Mayor, or his/her designee, to superintend the cemetery grounds and see that they are kept in proper order and condition; to see that the walks, drives, and alley-ways (if any) therein are kept in repair and to make contracts for repairing same when necessary; to fix a schedule of prices, subject to the approval of the City Council, for all lots that are for sale therein, and do all other things necessary to manage the cemetery and keep it in good order. The Committee Mayor, or his/her designee, is given full power and authority, subject to the approval of the City Council, to control and manage the cemetery. The Committee Mayor, or his/her designee, is authorized to employ agents, servants, and employees, in their judgment, necessary for the proper operation of the cemetery in accordance with the Mayor's authority regarding personnel of the City. ~~No Committee member shall be an agent for the any monument company or interested in the sale of monuments, tombstones, markers in any way.~~~~

2) §95.06 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 ~~Cemetery Committee~~ Mayor, or his/her designee.

3) §95.07 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 ~~Cemetery Commission~~ Mayor, or his/her designee, for any reason, detrimental, dangerous, unsightly, or inconvenient to adjacent lots, walks, or avenues, the ~~Commission~~ Mayor, or his/her designee, shall have the right to cause the same or any part thereof to be removed.

4) §95.08 FOUNDATIONS AND MARKERS.

(A) The ~~Cemetery Commission~~ Mayor, or his/her designee, is granted full power to prescribe the kind of foundation to be placed under all monuments, markers, tombstones, or other structures in the cemetery; and the ~~Commission~~ Mayor, or his/her designee, is granted the further right to prohibit the placing of any such structure in the cemetery until the foundation, provided therein, is constructed as specified by the ~~Commission~~ Mayor, or his/her designee. No monument, tombstone, marker, or other structures in the cemetery shall be made except of granite, marble, or of such other stone or material meeting the approval of the City Council and the ~~Commission~~ Mayor, or his/her designee,.

(B) 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. No monument, marker, tombstone, or other permanent structure of similar nature, shall be constructed in such a manner so as to obstruct the view of another monument, marker, or tombstone, or similar structure in the immediate vicinity of the proposed site for said permanent structure. The construction of a mausoleum, or other similar structure, shall only be permitted on such lots to which there is a walkway abutting the front and/or entrance of said structure.

(C) Before any person shall place any monument, marker, or tombstone or any other permanent structures upon any lot in the cemetery, he or she shall first make written application to do so to the ~~Commission~~ Mayor, or his/her designee, stating the details of such proposed construction; and if said proposed construction meets the conditions of this chapter and specifications, as prescribed by the ~~Commission~~ Mayor, or his/her designee, then the ~~Commission~~ Mayor, or his/her designee, shall issue a written permit for said construction, giving the details as nearly as possible. As a condition of said permit being issued, the Mayor, or his/her designee, may require the applicant to purchase additional grave lots surrounding the site upon which the applicant is proposing construction of a permanent structure so as to prevent obstruction of monuments, markers, or tombstones, or similar structures in the immediate

vicinity of said site. The ~~Commission~~ Mayor, or his/her designee, shall keep a permanent record of all such applications and permits. No structure, as above defined, shall be built without such permit. The denial of any written application shall be done so in writing, and the applicant shall have the right to appeal said denial to the City Council. Said appeal shall be made in writing and filed with the City Clerk within ten (10) days of the date of the written denial of the application.

(D) The Mayor and the City Council reserves the right to cause the removal of any monument, tombstone or marker placed in the cemetery, contrary to the provisions of this chapter and also to cause the removal of any trees, shrubs, or bushes located or placed contrary to this chapter or which interfere, in its discretion, with the proper use of the cemetery. The ~~Commission~~ Mayor, or his/her designee, reserves the right to re-grade any graves which may be graded or raised contrary to the provisions of this chapter.

5) §95.13 LANDSCAPING AND FLOWER REGULATIONS.

(D) All temporary markers on new graves or graves without headstones must be approved by the cemetery sexton or ~~Committee~~ the Mayor, or his/her designee.

(E) Either the sexton or the ~~Committee~~ Mayor, or his/her designee 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, its 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.

(F) Any landscaping done without prior approval of the sexton or ~~Committee~~ the Mayor, or his/her designee, may be subject to removal by the sexton or ~~Committee~~ the Mayor, or his/her designee.

SECTION II. SEVERABILITY.

The provisions of this Ordinance are severable. If any sentence, clause, or part of this Ordinance or the application thereof to any particular state of case is for any reason found to be unconstitutional, illegal or invalid, such an unconstitutionality, illegality 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 in act each other.

SECTION III. REPEAL OF EXISTING ORDINANCES.

All ordinances or parts of ordinances in conflict herewith now in effect, to the extent of said conflict, are hereby repealed.

SECTION IV. EFFECTIVE DATE.

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

FIRST READING conducted on this the 18th day of October 2016.

SECOND READING AND PASSAGE on this 6th day of December 2016.

APPROVED:

By: Mark Stratton
Mark Stratton, Mayor
City of Russellville

ATTEST:

By: Bob Riggs
Bob Riggs, City Clerk
City of Russellville

At a meeting of the City Council of the City of Russellville, Kentucky, held on December 5, 2016, the foregoing ordinance was adopted, after full discussion, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Jimmy Davenport
Pat Bell
Sandra Kinser
Jack Whipple
Larry Wilcutt

Darlene Booth