CITY OF UNION, KENTUCKY
ORDINANCE NO. 2023-13

AN ORDINANCE OF THE CITY OF UNION, KENTUCKY, REPEALING ORDINANCE 2001-001 CODIFIED AS CHAPTER 95 AND CREATING CHAPTER 95A OF THE UNION CODE OF ORDINANCES ESTABLISHING THE OFFICE OF CITY SEXTON-CEMETERY MANAGER, AND ESTABLISHING RULES CONCERNING UNION RICE CEMETERY

WHEREAS, cemetery grounds are sacredly devoted to the interment or repose of the dead, and the use of and ongoing maintenance of the Union Rice Cemetery requires due care and diligence on the part of the City of Union; and

WHEREAS, it is the purpose of this Ordinance to provide for such care, diligence, and maintenance by creating the office of City Sexton/Cemetery Manager for the City of Union, Kentucky establishing rules for the use and care of Union Rice Cemetery.

THEREFORE, BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY AS FOLLOWS:

The Union City Commission adopts a new Chapter of the City of Union, Kentucky Code of Ordinances, to read as follows:

SECTION I – REPEAL – Repealing Ordinance 2001-001 as set forth in Union, Kentucky Code of Ordinances and codified as Chapter 95.

SECTION II – SEXTON – CREATION OF OFFICE

There is hereby created the office of City Sexton/Cemetery Manager, which office shall be filled by appointment of the City Commission. The City Sexton shall report directly to the Public Works Director.

SECTION III – SEXTON – CHARGE OF CEMETERIES – REPORTS

The City Sexton, under the direction of the Public Works Director, shall have entire care, control, management, and superintendence of city cemeteries, and shall perform such other duties in relation to the cemeteries as are now, or may be hereafter, by the Union City Code or other Ordinance, Municipal Order, or Resolution of the Union City Commission, or by the laws of the State of Kentucky.

SECTION IV – SEXTON – DUTIES AND REMUNERATION

(1) It shall be unlawful for any person to violate any portion of the Union City Code or any rule or regulation as set forth in the Union City Code or hereafter enacted and published by the city respecting the city cemetery. The City Sexton shall be empowered to enforce all sections of the Union City Code, other City Ordinances, policies, procedures, rules, orders and regulations established for operation of the city cemetery, including rules and regulations enacted to keep the cemetery, and the enclosure around said cemetery, in good maintenance and proper repair and to prevent the destruction or defacing of cemetery grounds. The Sexton shall have the assistance of the Union City Attorney's office in enforcing, apprehending, and prosecuting violators of the Union City Code, other City Ordinances, Rules and Regulations.

(2) The Sexton shall manage the opening and closing of all interments and disinterment's. He shall have charge of a plat of the cemetery and shall at the request of any person wishing to purchase, point out any of the lots or parts of lots, unoccupied for sale; and upon application and payment of the price thereof into the City Treasurer. The City Treasurer shall issue a deed once payment is received.

(3) The Public Works Director is responsible for the maintenance of the cemetery grounds to include turf maintenance (mowing, re-seeding, etc.) perimeter maintenance (fence line), cemetery pavement, and snow removal.

(4) The Sexton shall be paid the sum of Four Hundred Dollars ($400.00) monthly, with an added bonus of Fifty Dollars ($50.00) per plot sale, such amount to be adjusted periodically at the request of the Mayor or City Commissioners. Bonus per plot sale is not applicable to plot purchases by the Sexton and/or his immediate family members.

SECTION V – SEXTON – REGISTRAR OF BURIALS. ALL DEEDS ARE RETAINED AT THE CITY BUILDING.

The City Sexton shall be the registrar of burials. Before burying or disinterring anybody, the persons having charge of said body shall be required to furnish a copy of the death certificate, or statement of said death, which shall be recorded in a record kept for that purpose by the City of Union. Such statement, as well as the record, shall include, if known, the name of the person deceased, when and where born, parentage, the date of death, also the date of burial, the name of the cemetery, the number of the lot and block where said person is buried, and if disinterred and transferred beyond the corporate limits of the City of Union, the place of destination.

SECTION VI – PURCHASE OF BURIAL RIGHTS

(1) The City shall sell only the right to be buried in the city cemetery. The purchase of burial rights in any lot or parcel shall be evidenced by a Certificate of Burial Rights and shall be sold for the prices and charges in force by the City of Union at that time.

(2) Included in the purchase price, perpetual care, and maintenance of cemetery lots shall be assumed by the City of Union.

SECTION VII – PERPETUAL CARE AND MAINTENANCE

Defined: The term "perpetual care and maintenance" as used in this chapter shall mean the filling of sunken graves, the placing of top soil upon graves, the seeding or sodding of the grave site, cutting of the grass except in times of drought, but does not include any other service. Charges shall be made for all other services and improvements according to fee schedules established by the City Commission. If no fee has been established for specific special services as requested, the Sexton shall assess a reasonable sum based upon the cost to the city.

SECTION VIII – RIGHTS OF CITY AND CERTIFICATE/DEED HOLDERS

(1) In administering the cemetery, the City of Union shall be entitled to all rights and prerogatives granted to it in law or equity, including any rights set forth in the Kentucky Revised Statutes or any subsequent amendment thereof. The omission or failure to assert any right or prerogative by the City in any particular shall not constitute a waiver of the right.

(2) Upon payment of the purchase price for any lot or burial space, the certificate issued by the City Sexton in the name of the purchaser shall vest the burial rights in the purchaser. The nature

and extent of rights acquired by purchase of a certificate of burial rights (and heretofore deed) shall be the right to use the burial space or lot for burial purposes only and subject to all rules, regulations, limitations and conditions imposed by the Union City Code, other City Ordinances, Kentucky State Law, and by the Sexton as are necessary for efficient care of the cemetery.

(3) The City reserves the right of easement over and across any lot or burial space in the cemetery for repair of turf, installation or maintenance of water pipes or water lines for the improvement of the cemetery, and for the opening and closing of adjacent graves. The Sexton will be responsible to see that all the work is completed and the surface returned to proper condition after such installation or maintenance work.

(4) All lots and parts of lots in the cemetery shall be exempt from execution and from taxation.

SECTION IX – RECORDS OF CONVEYANCES.

(1) A plat of all conveyances executed under the provisions of this Chapter, stating the property conveyed, the date of such conveyance, the name of the person to whom conveyed, and the amount received for the same shall be retained at the City Building.

(2) Transfer of title of burial rights by the City shall hereafter be by certificate and shall comply with applicable Kentucky Law. When a previously issued deed or certificate of burial rights is purchased by, or transferred to a third party, or reverts to the City, the original shall be presented to the City Sexton, and before a new certificate of burial rights is issued covering said plot, the original deed or certificate shall be canceled and the records so changed. Transfer from a grantee on a deed or on a certificate of burial rights shall be recognized only upon presentation and authentication by the City Sexton. A deed sold back to the City will be at cost of original purchase price. If original price is unknown, the City will purchase the deed at the price of One Hundred Dollars ($100.00) or post the deed for sale on the City Website with price to be negotiated between private parties. The City of Union shall keep record of all burial spaces or lots to which deeds or burial rights have been issued and shall show any transfer from the original purchaser to any subsequent owner, and also shall index any probate or other judicial proceeding which affects the ownership of a lot or burial space. If a deed or certificate cannot be located by an individual or a family for presentation to the Sexton, the Sexton may, with the authorization of the City's Mayor of City Clerk/Treasurer, make such arrangements for transfer and/or burial as are equitable and appropriate considering all the circumstances.

SECTION X – ABANDONMENT OF RIGHTS

(1) The City of Union shall have the discretion to reclaim, redeem, or recover any abandoned, unused, or unkempt cemetery lots or parcels conveyed by deed or certificate, with or without restrictions by the following the procedures set forth in law.

(2) In the event any owner of any lot or burial space or heir of such person subsequent to the completion of the abandonment proceedings as set forth hereafter, shall present to the Sexton a deed, certificate or proof of probate or other legal conveyance of the said lot or space, the City Sexton, upon payment in full of all fees and costs accessible against property, may issue a certificate of burial rights for an equivalent lot or burial space.

SECTION XI – OPENING GRAVES, INTERMENT AND DISINTERMENT

(1) Upon proper application of the owner of a lot, payment of the required fee, and eight (8) working hours notice, the Sexton shall cause the grave to be opened. The Sexton shall superintend

every interment and shall cause the grave to be filled up and neatly trimmed immediately after depositing the coffin and shall fill up and trim all graves that have settled or may hereafter settle. The City is not responsible for any error in opening graves when orders are given other than in writing.

(2) It shall be unlawful for any person to be buried in the cemetery without the casket being placed in a permanent-type vault, which vault type must be approved by the Sexton.

(3) Cemetery grounds are sacredly devoted to the interment or repose of the dead. In those circumstances where it is necessary to disinter or remove remains from the cemetery all applicable state laws must be complied with. The Sexton will schedule and direct the exhumation after application fees have been paid, and all required forms are received.

SECTION XII – MAINTAINING HEDGES, COPINGS, MONUMENTS, ETC.

It shall be unlawful for any person to erect or maintain any fence, corner post, coping, hedge, or boundary of any kind upon any lot, street, alley or walk in said cemetery, or grade the ground or land thereof. The Sexton shall, whenever required, furnish the true lines of said lots according to official survey, and shall prevent and prohibit any markings of same save and except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land. It shall be unlawful for any person to plant any shrubs, trees, lawns, etc., or place any monuments or markers upon any lot in said cemetery without a written permit from the City Sexton, and unless the same is done under the direction and supervision of the City Sexton.

SECTION XIII - SPECIFICATIONS FOR MONUMENTS, MARKERS, ETC.

The placing of monuments and markers is done so at a purchaser's own risk, shall be accomplished under the direction of the City Sexton, and shall comply with all specifications herein enumerated. The City assumes no obligation or responsibility to repair or replace markers or monuments damaged by an owner or third parties, or damaged as a result of a failure to comply with the directions of the City Sexton, or failure to comply with the following specifications:

(1) It shall be unlawful for any person to erect or place any monument on any lot in the City cemetery, unless the same shall be placed on a good concrete foundation eight (8) inches deep or deeper, if deemed necessary by the Sexton, with a cement apron (lawnmower strip) not less than eight (8) inches wide around said monument. For purposes of this Chapter, a monument is defined to be: any structure, tree, plant, urn, cenotaph, mausoleum or crypt, or any structure designed to perpetuate the memory of the dead; all other structures erected in the cemetery lots are hereby designated as "markers".

(2) It shall be unlawful for any person to place any monument on any lot in the said cemetery made of any material other than metal, stone, or cement.

(3) All markers placed in the cemetery shall be flush with the lawn securely set in the cement foundation at least four (4) inches deep with a cement lawnmower strip not less than eight (8)inches wide around the said marker, provided that where markers have been placed in lots in the lot part of the cemetery which are not flush with the lawn as provided herein, then other markers of like design and character shall be installed in the same lot in order to maintain a uniformity of markers in the said lot.

(4) It shall be unlawful for any person to place more than one (1) marker or monument on any one grave, except that a military marker may be placed in front of the face of a double marker, flush with the ground and directly over the grave, to memorialize veteran status.

(5) It shall be unlawful for any person to place more than two (2) flower vases on the grass skirt of any one monument or marker and at least four (4) inches of cement of proper depth must extend beyond such vase. When two (2) vases are put in the grass skirt of any grave marker or monument they must be placed on each side of or north and south of said marker or monument. Open holes in grass skirt or any part of the grave shall not be allowed.

(6) The Public Works Director is authorized to arrange and to maintain trees, shrubs and other landscaping to enhance the beauty of the cemetery

SECTION XIV – DAYS WHEN BURIALS ARE PROHIBITED

Burial shall not occur on Christmas, New Year's Day, Memorial Day, Thanksgiving, Fourth of July, and Labor Day. Provided, however, that a burial may be permitted on any of the days described above if the deceased die of a contagious disease, or if other health or welfare concerns so require.

SECTION XV – DOUBLE DEPTH BURIALS PROHIBITED

Double depth burials are prohibited except for cremains or where authorization has previously been granted by the City, in writing.

SECTION XVI – EAST-WEST BURIALS

All burials shall be with the length of the casket on an east-west alignment unless the lot or parcel is not large enough or so aligned as to allow east-west burial; then upon application to the Sexton, such burial will be allowed to be on a north-south alignment. The Sexton shall give permission for the ill-regular burials only under those circumstances when the markers would be compatible with others already established in the same area. The markers for all north-south burials must be level with the ground.

SECTION XVII - OPERATION OF VEHICLES AND SPEED LIMIT

(1) It shall be unlawful for any person to drive or operate a vehicle on cemetery grounds except on clearly designated areas designed for motor vehicle traffic.

(2) It shall be unlawful for any person to drive or operate any motor vehicle within the limits of the cemetery at a rate of speed greater than ten (10) miles per hour, or in any other manner that would endanger persons or property.

SECTION XVIII – CURFEW AND DEFACING PROPERTY

(1) It shall be unlawful for any person not authorized by the City Sexton to be in the cemetery from one-half hour after sundown to one-half hour before sunrise of any day. A person will be considered to be "in the cemetery" if he or she is within the perimeter of the cemetery as established by a fence, or is upon any portion of the property set aside as present or future cemetery proper as designated in the appropriate records of the City and County.

(2) Cemetery patrons only are allowed in the cemetery. It shall be unlawful for any person to climb over or crawl under the cemetery fence or to damage a cemetery fence.

(3) Children under twelve (12) years of age must be accompanied at all times on the cemetery property by a parent or some supervising adult eighteen (18) years of age or older.

(4) It shall be unlawful to engage in recreational or other inappropriate activities on the cemetery property.

(5) It shall be unlawful for any person to injure or deface any monument, marker, tree, shrub or any other property in the City cemetery.

(6) The Sexton, any person working for the Sexton's office or any peace officer is empowered to enforce the provisions of this section and to abate any vandalism or trespassing within the cemetery property,

(7) Any violation of this Chapter will constitute a misdemeanor.

SECTION XIX – FLOWERS

(1) The City Sexton, Public Works Director, and the City's contracted landscaper may remove all floral pieces left on new graves longer than five (5) days.

(2) All flowers and other decorations should be confined to the headstone and its cement apron. Planted flowers, shrubs, trees, and similar are prohibited unless approved by the City. Glass containers are prohibited and will be removed from the cemetery on discovery. Items driven into the ground such as iron, wires, sticks and pegs may be removed if they interfere with lawn maintenance.

(3) The City of Union, its employees, and agents, shall not be responsible or liable for theft of, damage to, or injury arising from flowers, decorations, and other personal property left in the cemetery.

SECTION XX – ANIMALS PROHIBITED

No animals shall be allowed in the Union City Cemetery unless confined in a vehicle. It shall be unlawful for any person having the care of any animal to allow the animal to be within the cemetery except physically confined in a motor vehicle.

SECTION XXI

This Ordinance shall go into effect immediately upon execution and proper publication.

FIRST READING: ***September 6, 2023***

SECOND READING: ***September 18, 2023***

APPROVED:

HON. LARRY K. SOLOMON, MAYOR

ATTEST:

Tammy Wilhoite

TAMMY WILHOITE, CITY CLERK

Published: _____