

COUNCIL CHAMBERS
VILLAGE OF KELLEYS ISLAND OHIO
ORDINANCE NO. 2022-O-20
INTRODUCED BY: MAYOR RONALD E EHRBAR

AN ORDINANCE AMENDING VARIOUS SECTIONS OF *CHAPTER 92 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF KELLEYS ISLAND, OHIO* RELATIVE TO REGULATIONS FOR THE MUNICIPAL CEMETERY, REPEALING ORDINANCE NUMBER 2000-O-28 AND DECLARING AN EMERGENCY.

WHEREAS, Council of the Village of Kelleys Island, Ohio has previously enacted *Chapter 92 of the Codified Ordinances of the Village of Kelleys Island, Ohio*, relative to regulations for the municipal cemetery located within the Village of Kelleys Island, Ohio; and

WHEREAS, the Board of Cemetery Trustees of the Village of Kelleys Island, Ohio, has advised the Council of the Village of Kelleys Island, Ohio that the present cemetery regulations are no longer adequate to efficiently administer the municipal cemetery; and

WHEREAS, the Board of Cemetery Trustees has recommended to Council that it is necessary to amend these regulations, as set forth in *Chapter 92 of the Codified Ordinances of the Village of Kelleys Island, Ohio*, to assist them in the care and management of the municipal cemetery; and

WHEREAS, the Council has reviewed these amendments to the cemetery regulations and has determined that it is necessary to amend *Chapter 92 of the Codified Ordinances of the Village of Kelleys Island, Ohio*, as set forth below and repeal and replace Ordinance Number 2000-O-28, in order to assist the Board of Cemetery Trustees in the care and maintenance of the municipal cemetery; and

WHEREAS, the protection of the graves and the property within the municipal cemetery being directly related to the health, safety and general welfare of the Village, Council has deemed this Ordinance an emergency measure, and as such, it shall be effective immediately upon its adoption and due authentication by the Mayor and Clerk, respectively,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF KELLEYS ISLAND, STATE OF OHIO:

SECTION 1. That Chapter 92 of the codified ordinances of the Village of Kelleys Island which reads as follows:

§ 92.01 RESTRICTIONS ON SALE, TRANSFER, OR USE OF CEMETERY LOTS.

(A) The sale, transfer and/or use for burial of cemetery lots in the village cemetery is limited to individuals who are residents of or former residents of the village, or who are the owners of property of the village, or who are related by blood or adoption to individuals already buried in the village cemetery.

(B) No family shall be allowed to purchase more than four lots in the village cemetery unless a written request with special conditions included therein is submitted to and approved by the Board of Cemetery Trustees.

§ 92.02 COST OF GRAVE SPACES.

(A) That as of June 15, 1988, all grave spaces of the village cemetery are to be sold and/or transferred at the rate of \$500 per space; \$400 for the lot and \$100 to be deposited in the Perpetual Care Fund. Furthermore, as of January 1, 1989, all grave spaces of the village cemetery are to be sold and/or transferred at the rate of \$800 per space; \$600 for the lot and \$200 to be deposited in the Perpetual Care Fund pursuant to R.C. § 759.12.

(B) Any person who has purchased a cemetery lot prior to the enactment of Ordinance No. 289, May 3, 1979, where the perpetual care fee has not been paid, shall be indebted to the Cemetery Board in the amount of \$200 payable at the time of interment for deposit in the Perpetual Care Fund.

§ 92.03 TRANSFER OF LOTS.

Grave spaces and/or lots cannot be transferred or sold by individual owners to third parties. An individual or family who wishes to divest themselves of any interest in a grave site must transfer it back to the Cemetery Board for the same consideration originally paid for it subject to the exception that cemetery lots may be transferred to and used by individuals related by blood or marriage to the owner so long as the transaction is not for profit to a qualified party or to the village.

§ 92.04 CHARGE FOR OPENING A GRAVE SITE.

(A) The charge for opening a grave site shall be \$300 if the opening can be machine dug. A maximum of \$200 is to go to the contracted backhoe operator. If village employees dig it, the hourly rate is to be paid them.

(B) The charge for opening a grave which, at the discretion of the Cemetery Board, must be hand dug, shall be not less than \$300 and shall be invoiced at the actual cost. The cost per hour for labor will be the going rate of the village at the time the work is performed, plus the cost of special equipment required.

§ 92.05 CHARGE FOR INTERMENT OF BABIES, ASHES AND LIMBS.

(A) There can be up to three interments on one grave site which may be used as follows; there may be one full (coffin) burial and up to two cremains or there can be three cremains on one grave site. The right to burial after the first use will be 50% of the cost of the current right to burial cost in addition to the opening and closing costs.

(B) The charge for interment of babies, ashes, and limbs under three feet shall be \$100.

§ 92.06 DISINTERMENT CHARGES.

Disinterment charge for an adult is the same as in § 92.04(B). The charge for disinterment of babies, ashes, and limbs under three feet shall be the same as in § 94.05(B). Reinterment of babies, ashes, and limbs under three feet shall be included as part of the new grave opening as provided for in § 92.04(A).

§ 92.07 USE OF THE VILLAGE HEARSE.

The fee for the use of the village hearse shall be \$50 per funeral; \$25 to be paid to the village, and \$25 to be paid to the driver supplied by the village.

§ 92.08 MISCELLANEOUS CHARGES.

(A) Miscellaneous charges not otherwise provided for include, but are not limited to:

(1) Recording of cemetery deed or affidavit, \$10;

(2) Record search:

(a) Initial charge for two names, \$10;

(b) Each additional name, \$5.

(B) Miscellaneous charges not covered in this section or another part of this chapter shall be invoiced out at the discretion of the Board of Cemetery Trustees.

§ 92.09 HOURS OF PUBLIC ACCESS.

(A) The village cemetery shall be open to the public between the hours of one-half hour before sunrise and one-half hour after sunset. The village cemetery shall be closed to the public during the hours of one-half hour after sunset to one-half hour before sunrise the following day. In the event a person is found within the grounds of the village cemetery during the hours the cemetery is closed, without written permission of the Board of Cemetery Trustees, that person shall be guilty of trespassing in the village cemetery.

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.

§ 92.10 PERMIT TO ERECT MONUMENTS.

Permits shall be obtained from the Clerk of the Board of Cemetery Trustees to erect monuments in the village cemetery at a cost of \$5 per monument and/or grave marker. Plans and specifications for monuments, grave markers and/or footers shall be in accordance with standards adopted by the Board of Cemetery Trustees and shall be submitted with the application prior to any construction or erection of any monument and/or grave marker. No trees or shrubs shall be planted nor shall any structure be placed inside the cemetery without written approval of the Board of Cemetery Trustees. All trees and shrubs new or existing will be trimmed at the discretion of the Board of Cemetery Trustees. Any structure, tree, or shrub that is placed in the village cemetery without the written approval of the Board of Cemetery Trustees, or any item that has become a hazard may be removed at the discretion of the Board of Cemetery Trustees. All fall/winter decorations shall be cleared by May 15th of each year, and all spring/summer decorations shall be cleared by October 15th of each year. In the event any decoration is not removed by the aforementioned dates, it shall be removed and discarded by the Board of Cemetery Trustees.

§ 92.11 COMPLIANCE WITH STATE LAW.

All interments at the village cemetery shall be in precast vaults and in accordance with the laws of the state as now in full force and effect or as may hereafter be amended.

§ 92.12 SUPPLEMENTAL RULES AND REGULATIONS.

The Board of Cemetery Trustees, from time to time, may enact supplemental rules and regulations as it may deem necessary to provide for the operation of the village cemetery and shall transmit such rules and regulations to Council for inclusion in the Codified Ordinances when deemed appropriate by the Board of Cemetery Trustees.

Is hereby amended to read as follows;

§ 92.01 RESTRICTIONS ON SALE, TRANSFER, OR USE OF CEMETERY LOTS.

(A) The sale, transfer and/or use for burial of cemetery lots in the village cemetery is limited to individuals who are residents of or former residents of the village, or who are the owners of property of the village, or who are related by blood, adoption or marriage to individuals already buried in the village cemetery.

(B) No family shall be allowed to purchase more than four lots in the village cemetery unless a written request with special conditions included therein is submitted to and approved by the Board of Cemetery Trustees.

§ 92.02 COST OF GRAVE SPACES.

(A) That as of January 1, 1989, all grave spaces of the village cemetery are to be sold and/or transferred at the rate of \$800 per space; \$600 for the lot and \$200 to be deposited in the Perpetual Care Fund pursuant to R.C. &759.12. Furthermore, as of August 11, 2022, all grave spaces of the village cemetery are to be sold and/or transferred at the rate of \$1100 per space; \$800 for the lot and \$300 to be deposited in the Perpetual Care Fund pursuant to R.C. § 759.12.

(B) Any person who has purchased a cemetery lot prior to the enactment of Ordinance No. 289, May 3, 1979, where the perpetual care fee has not been paid, shall be indebted to the Cemetery Board in the amount of \$300 payable at the time of interment for deposit in the Perpetual Care Fund.

§ 92.03 TRANSFER OF LOTS.

Grave spaces and/or lots cannot be transferred or sold by individual owners to third parties. An individual or family who wishes to divest themselves of any interest in a grave site must transfer it back to the Cemetery Board of Trustees for the same consideration originally paid for it subject to the exception that cemetery lots may be transferred to and used by individuals related by blood or marriage to the owner so long as the transaction is not for profit to a qualified party or to the village.

§ 92.04 CHARGE FOR OPENING A GRAVE SITE.

(A) The charge for opening a grave site for a coffin vault shall be \$400 on week days (Monday through Friday) if the opening can be machine dug. A maximum of \$200 is to go to the contracted backhoe operator. ~~It village employees dig it, the hourly rate is to be paid them.~~

(B) The charge for opening a grave for a coffin vault which, at the discretion of the Cemetery Board of Trustees, must be hand dug, shall be invoiced at the actual cost but at not less than \$400 on week days and shall be invoiced at the actual cost. ~~The cost per hour for labor will be the going rate of the village at the time the work is performed, plus the cost of special equipment required. If hand dug, the cost per hour for labor will be the going rate of the Village at the time the work is performed plus the cost of any special equipment required.~~

(C) The cost for opening a grave site for a coffin vault on Saturday shall be \$550.00.

(D) The cost for opening a grave site for a coffin vault on a Sunday shall be \$700.00.

(E) No burials will be done on legal holidays.

(F) In the case of exceptional circumstances, a request may be made to the Board of cemetery Trustees for relief.

§ 92.05 CHARGE FOR INTERMENT OF BABIES, ASHES AND LIMBS.

(A) There can be up to three interments on one grave site which may be used as follows; there may be one full (coffin) burial and up to two cremains or there can be three cremains on one grave site. The right to burial after the first use will be 50% of the cost of the current right to burial cost in addition to the opening and closing costs.

(B) The charge for interment of babies, ashes, and limbs under three feet shall be \$200 during week days (Monday through Friday).

(C) The charge for interment of babies, ashes, and limbs under three feet shall be \$300.00 on Saturday.

(D) The charge for interment of babies, ashes, and limbs under three feet shall be \$400.00 on Sunday.

(E) No burials will be done on legal holidays.

(F) a sealed vault is required for the burial of babies, ashes and limbs, the vault not to exceed 15 inches by 15 inches by 10 inches.

(G) In case of exceptional circumstances, a request may be made to the Board of Cemetery Trustees for relief.

§ 92.06 DISINTERMENT CHARGES.

Disinterment charge for an adult is the same as in § 92.04(B) (C) (D) and (E). The charge for disinterment of babies, ashes, and limbs under three feet shall be the same as in & 94.05(B), (C) (D) (E). Reinterment of babies, ashes, and limbs under three feet shall be included as part of the new grave opening as provided for in § 92.04(A) (B) (C) (D) (E) (F) and (G).

~~§ 92.07 USE OF THE VILLAGE HEARSE.~~

~~—The fee for the use of the village hearse shall be \$50 per funeral; \$25 to be paid to the village, and \$25 to be paid to the driver supplied by the village.—~~

§ 92.07 MISCELLANEOUS CHARGES.

(A) Miscellaneous charges not otherwise provided for include, but are not limited to:

(1) Re-deeding in a family lot, \$10;

(B) Miscellaneous charges not covered in this section or another part of this chapter shall be invoiced out at the discretion of the Board of Cemetery Trustees.

§ 92.08 HOURS OF PUBLIC ACCESS.

(A) The village cemetery shall be open to the public between the hours of one-half hour before sunrise and one-half hour after sunset. The village cemetery shall be closed to the public during the hours of one-half hour after sunset to one-half hour before sunrise the following day. In the event a person is found within the grounds of the village cemetery during the hours the cemetery is closed, without written permission of the Board of Cemetery Trustees, that person shall be guilty of trespassing in the village cemetery.

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.

§ 92.09 PERMIT TO ERECT MONUMENTS.

Permits shall be obtained from the Clerk of the Board of Cemetery Trustees to erect monuments in the village cemetery at a cost of \$5 per monument and/or grave marker. Plans and specifications for monuments, grave markers and/or footers shall be in accordance with standards adopted by the Board of Cemetery Trustees and shall be submitted with the application prior to any construction or erection of any monument and/or grave marker. No trees or shrubs shall be planted nor shall any structure be placed inside the cemetery without written approval of the Board of Cemetery Trustees. All trees and shrubs new or existing will be trimmed at the discretion of the Board of Cemetery Trustees. Any structure, tree, or shrub that is placed in the village cemetery without the written approval of the Board of Cemetery Trustees, or any item that has become a hazard may be removed at the discretion of the Board

of Cemetery Trustees. All fall/winter decorations shall be cleared by May 15th of each year, and all spring/summer decorations shall be cleared by October 15th of each year. In the event any decoration is not removed by the aforementioned dates, it shall be removed and discarded by the Board of Cemetery Trustees.

§ 92.10 COMPLIANCE WITH STATE LAW.

All interments at the village cemetery shall be in precast vaults and in accordance with the laws of the state as now in full force and effect or as may hereafter be amended.

§ 92.11 SUPPLEMENTAL RULES AND REGULATIONS.

The Board of Cemetery Trustees, from time to time, may enact supplemental rules and regulations as it may deem necessary to provide for the operation of the village cemetery and shall transmit such rules and regulations to Council for inclusion in the Codified Ordinances when deemed appropriate by the Board of Cemetery Trustees.

SECTION 2. That Ordinance Number 2000-O-28 and any and all other ordinances and/or resolutions inconsistent herewith shall be repealed and replaced with the within Ordinance.

SECTION 3. That Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council; and that all deliberations of this Council and its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 4. That for the reasons set forth in the preamble, this Ordinance shall be deemed an emergency measure and it shall be effective immediately upon its adoption and due authentication by the Mayor and Clerk, respectively.


MAYOR RONALD E EHRBAR

ATTEST:


LISA M KLONARIS, CLERK/TREASURER