

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION AND CARE OF THE FOREST-LLEWELLYN CEMETERY, AND AMENDING CHAPTER 7 – CEMETERIES, OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI.**

**BE IT ORDAINED** by the City Council of the City of Kirksville, MO, that Rules and Regulations are hereby established for the Forest-Llewellyn Cemetery located in Kirksville, Missouri.

**Section 1.** That Chapter 7 – Cemeteries, of the City Code of the City of Kirksville be amended by adding the following:

**Article I. IN GENERAL**

Forest-Llewellyn Cemetery lies between Osteopathy and Centennial Streets, Missouri and Washington Streets, and is owned and maintained by the City of Kirksville.

1. Definitions

- A. Burial Lot – Eight (8) graves in a lot size of approximately 18 feet x 20 feet. Exceptions are lots where a hill or other limiting natural feature restricts the lot size.
- B. Burial Space – A single grave will be allowed in a burial space.
- C. Marker - A permanent, one-piece granite, marble or bronze grave memorial that is installed flush with the ground or raised above the ground indicating the name(s) of the deceased and date(s) of birth and death as a means of marking a burial place.
- D. Military Markers – Flat, upright or bronze niche markers provided by the Department of Veterans Affairs for an eligible veteran.

2. Purchase of Spaces and Lots

- A. The City Clerk is hereby authorized to sell burial lots and spaces in Forest-Llewellyn Cemetery to be used for the burial of the remains of human beings and for no other purposes.
- B. Cost – The cost for a burial lot, burial space and perpetual care will be set by approval of the City Council.

### 3. Interment

- A. Certificate of Ownership – Prior to a burial, a Certificate of Ownership shall be acquired from the Office of the City Clerk at City Hall after payment for the requested burial space.
- B. Interments - The number of burials on any grave space shall be as follows: one traditional (casket/vault) and one cremain; or two cremains on a burial space.
- C. Inurnments – Cremains inurned on an existing burial space containing a casket/vault must be placed at the foot of the grave. Burial of cremains in other areas of the Cemetery may be considered on a case-by-case basis.
- D. Grave Openings – Grave openings and closings shall be the responsibility of the funeral director in charge of arrangements. The funeral director shall contact the City Clerk prior to any openings in the Forest-Llewellyn Cemetery.
- E. Eggert Addition – Spaces for burial are available in the Eggert Addition only.

### 4. Ownership

- A. A Certificate of Ownership will be issued to the purchaser by the City Clerk after payment has been made for burial space. No burial space ownership change shall be made without written proof of requested transfer from the purchaser to the City Clerk by the purchaser.
- B. No purchaser of any burial space in the Forest-Llewellyn Cemetery shall sell or transfer the same or any part thereof to any private party.

### 5. Markers

The space available for a marker is five (5) feet. A one (1) foot base should be allowed between the head of the grave and the marker.

- A. Material of Markers – All markers shall be first- quality granite, marble or bronze. No foot markers shall be allowed unless otherwise stated.
- B. Prohibited Materials – Markers made of concrete, artificial stone, wood, tin or iron shall not be permitted. The only exception shall be the temporary markers placed by the Funeral Directors for the purpose of identifying the interment.
- C. Installation – Only licensed monument dealers/builders, City employees or City-approved agents shall install or erect monuments and markers in the Cemetery.

- D. Damaged or Deteriorated – When any monument or marker becomes unsightly, damaged or deteriorated, the City shall do what it can within the resources available to have the monument or marker repaired or removed.
- E. Cremation Markers –If the cremain is inurned at the foot of the grave, a foot marker will be allowed, so long as all rules and regulations are followed for a traditional burial space.
- F. Military Markers – The City will adhere to the Department of Veterans Affairs standards for all federally supplied markers.

## 6. Decorations

- A. Flowers - Flowers (fresh/artificial) will be allowed at anytime on a burial space, except when otherwise prohibited.
- B. Winter Decorations - Winter decorations consisting of wreaths and headstone sprays are allowed from November 1 to April 1.
- C. Flags – Flags may only be placed at burial spaces by military officials and/or their agents.
- D. Permitted – Vases on a marker, shepherd hooks placed in the ground against the marker and statues of a size that can be placed fully on the marker are the only other decorations allowed at a burial space.
- E. Prohibited – Unless otherwise stated, all other decorations will be prohibited including, but not limited to: Solar lights, statues, figurines, vases, pottery, ceramics, wind chimes, decorative rocks, wood chips, landscape timbers, furniture, Christmas trees, ornaments, trinkets, adornments, borders, flag poles and banners.

Flowers placed on a burial space for Memorial Day and Independence Day must be removed after two weeks of each holiday, or they will be discarded by the City. Flags will be removed by the City after two weeks of the Memorial Day observance, unless a flag is damaged whereupon it will be removed immediately.

## 7. Plantings

The planting of one (1) Peony may be allowed on either side of the marker. Prior to planting, approval must be obtained from the Public Works Director.

## 8. Trust Fund

All revenue derived from lot sales, perpetual care fees and donations will be deposited in the Cemetery Trust fund, with only interest earned on said funding being used for the operation and care of the Cemetery.

Individual donations are tax deductible under Sec 170 of the IRS Code.

Section 2. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Passed by the City Council and signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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Richard L. Detweiler, Mayor

ATTEST:

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Vickie Brumbaugh, City Clerk