

# ORDINANCE NO. 2022.009

## ADDING VILLAGE OF BLANCHESTER CEMETERY RULES AND REGULATIONS AND DECLARING AN EMERGENCY

WHEREAS, the Village of Blanchester has agreed to accept the transfer and assignment of real and personal property of the I.O.O.F. Cemetery Association for the purposes of maintaining and operating the cemetery; and

WHEREAS, Council hereby determines that establishing rules and regulations for the maintenance and operation of the I.O.O.F. Cemetery Association is in the public interest and is vital for the continued health, safety, and welfare of the citizens of the Village of Blanchester.

NOW THEREFORE, be it ordained by the Council of the Village of Blanchester, State of Ohio:

[Additions to the CODIFIED ORDINANCES are in **bold** and deletions are lined through or noted below.]:

Section 1. That Chapter 2022.009, Cemetery Rules and Regulations is hereby added to the Codified Ordinances of the Village of Blanchester as follows:

### CHAPTER 2022.009 Cemetery Rules and Regulations

<u>2022. 01</u>	<u>Purpose.</u>
<u>2022. 02</u>	<u>Cemetery Board</u>
<u>2022. 03</u>	<u>General policy.</u>
<u>2022. 04</u>	<u>Interments.</u>
<u>2022. 05</u>	<u>Decorations.</u>
<u>2022. 06</u>	<u>Monuments.</u>
<u>2022. 07</u>	<u>Clerk of cemetery operations.</u>
<u>2022. 08</u>	<u>Fees.</u>
<u>2022. 09</u>	<u>Penalty.</u>

2022. 01 PURPOSE.

This chapter governs the I.O.O.F. Cemetery and any other cemeteries acquired hereafter, and all matters related to operations and maintenance, including but not limited to the sale; repurchase and transfer of plots and niches; interments; disinterments; reinterments; care and maintenance of plots, niches, and graves; and any and all other subjects as may be incident thereto. The Cemetery Board is hereby authorized to promulgate rules and regulations concerning cemetery matters in accordance with this chapter.

2022. 02 CEMETERY BOARD.

A Cemetery Board shall consist of the Mayor, Village Council Safety Chairman, Village Council Finance Chairman, Village Street Commissioner, Village Parks Chairman, Village Fiscal Officer, and up to one (1) resident appointed by Village Council. The Board shall meet and conduct business in accordance with all local, state and federal statutes in accordance with Chapter 2022\_.009 of the Ordinances of the Village of Blanchester to ensure the proper maintenance and functions of all municipally owned cemeteries owned and operated by the Village of Blanchester including, but not limited to the I.O.O.F. Cemetery of Blanchester. The Cemetery Board shall meet at least once yearly and serve for a term of two (2) years.

**2022. \_\_ 03 GENERAL POLICY.**

- A. The cemetery shall be open every day of the year from sunrise to sunset.
- B. The Village shall be responsible only for markers and items installed to Village specifications and approval pursuant to Village ordinances.
- C. The cemetery ground shall be sacredly devoted to the burial of the dead.
- D. All work in the cemetery shall be done by employees of the Village, or with authorization from the Cemetery Board or Cemetery Board's authorized agent.
- E. No person shall discharge any firearm within the cemetery grounds, except in case of military funerals and on Memorial Day, without the written permission of the Cemetery Board or Cemetery Board's authorized agent.
- F. All visitors' vehicles shall remain on the driveways.
- G. All debris, discarded flowers or decorations shall be placed in trash containers.
- H. Artificial flowers may be placed on graves between November 1 and April 1.
- I. No person shall remove, cut, deface or destroy cemetery or Village property without authorization from the Cemetery Board or Cemetery Board's authorized agent.
- J. If at any time any object or structure, or any part of any structure, within the cemetery shall be deemed objectionable or unsightly, the Cemetery Board or Cemetery Board's authorized agent shall have the authority to remove the same.
- K. No person shall drive any vehicle faster than ten miles per hour within the cemetery, or drive over any path or walkway.
- L. Recreational use of the cemetery is subject to authorization from the Board.
- M. No advertising shall be allowed in the cemetery.

**2022. \_\_ 04 INTERMENTS.**

- A. Burials.
  - 1. All remains can be permanently memorialized at I.O.O.F. Cemetery by being deposited in an interment space in the earth.
  - 2. All interments on owner's lot shall be enclosed in an outer container of stone, concrete, steel, brick or synthetic material approved for burial purpose.
- B. Cremated Remains. Cremated remains being in an urn may be buried in space in the earth. Under no circumstances shall the cemetery scatter cremated remains.

**2022. \_\_ 05 DECORATIONS.**

- A. Planting of flowers, flower pots, evergreens or bushy plants is strictly prohibited.
- B. The cutting and trimming of grass is one of the largest and most costly maintenance activities of the cemetery. For economy of maintenance during the growing season, it is desired that flowers be placed on graves only in approved containers.
- C. The Village shall have the right to remove all floral designs, flowers and other decorations of any kind from the cemetery if, in the judgment of the Cemetery

Board or Cemetery Board's authorized agent, they do not conform to the standards set forth herein.

D. Decorations placed upon lots and graves on special holidays during the growing season such as Easter, Mother's Day, Memorial Day, etc., shall be removed after a period of seven days to avoid the burning of the grass.

E. Winter decorations, such as natural wreaths placed on easels, and other approved arrangements shall be permitted from November 1 to April 1.

1. Winter decorations shall be removed when they become unsightly.
2. All winter decorations shall be removed April 1.

F. Articles made of concrete, benches, urns, boxes or the like shall not be permitted in the cemetery without the approval of the Cemetery Board or Cemetery Board's authorized agent.

#### 2022. \_\_ 06 MONUMENTS.

A. Markers or monuments shall be on foundations conforming to Village specifications. No foot stones shall be permitted except as a marker flush with the ground.

B. All foundations shall be built by and in accordance with the specifications of the Village at the expense of the lot owner.

#### 2022. \_\_ 07 CLERK OF CEMETERY OPERATIONS.

Council hereby creates the title and position of Clerk of Cemetery Operations whose selection, duties and compensation shall be as are hereinafter provided. Such position shall be considered a regular full-time position or part-time with the following terms and conditions:

- A. The Clerk of Cemetery Operations shall be appointed by and serve at the pleasure of the Cemetery Board
- B. The Clerk of Cemetery Operations shall be under the direct supervision of the Cemetery Board and shall keep accurate record of all proceedings concerning the I.O.O.F. Cemetery and shall perform such other duties as assigned by the Cemetery Board or Cemetery Board's authorized agent.
- C. The Clerk of Cemetery Operations, as a regular full-time or part-time position, shall receive as compensation a salary within the range fixed by Council per annum, which shall be payable in equal biweekly installments and shall receive such other benefits to which all regular full-time or part-time Village employees are entitled, including, but not limited to, vacation leave, sick leave and insurance benefits.

#### 2022. \_\_ 08 FEES AND SERVICES

- A. A schedule of fees for all services provided by I.O.O.F. Cemetery shall be set by the Cemetery Board and shall be made available through the Village of Blanchester's website.
- B. All funerals are to arrive at the I.O.O.F. Cemetery no later than 2:45 p.m. on weekdays and by 12 noon on weekends. An additional charge of \$100.00 for the first hour and an additional \$100.00 for each subsequent hour will accrue on arrivals later than these times.
- C. It is normally not the policy of the Village to open or close graves on Holidays or Sundays, unless arrangements are made in advance with the approval of the Cemetery Board or Cemetery Board's authorized agent.

**2022. \_\_ 09 PENALTY**

**Whoever violates any of the provisions of this chapter shall be guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) and the costs of prosecution.**

Section 2. That this ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety and welfare, and accordingly, shall be in full force and effect immediately upon its passage.

Mr. Parks moved the adoption and Mr. McCollister seconded the motion and the roll being called upon its adoption the vote resulted as follows:

Mr Brumbaugh	Yea
Mr. Garner	Yea
Mr. Gephart	Yea
Mr. Hopkins	Yea
Mr. McCollister	Yea
Mr. Parks	Yea

Adopted this 21<sup>st</sup> day of April, 2022.

  
John Carman, Mayor

  
Attest: Tamara S. May, Fiscal Officer

Fiscal Officer's Certificate:

The State of Ohio, County of Clinton, ss:  
I, Tamara S. May, Fiscal Officer of the Village of Blanchester, Clinton County, and in whose custody the Files, Journals, and Records are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing Resolution is taken and copied from the original Resolution now on file with said Village, that the foregoing Resolution has been compared by me with the said original and that the same is a true and correct copy thereof, and has been posted as required by law. This Resolution has been duly published by posting in the following places: Blanchester Municipal Building, 318 E. Main St.; First National Bank, 121 E. Main St.; Blanchester Post Office, 115 S. Wright St.; Tom's Express Mart, 7529 Fairground Rd.; and at the Blanchester Public Library, 110 N. Broadway St., each for a period of fifteen (15) days commencing on the 4<sup>th</sup> day of May, 2022.

Witness my signature this 4<sup>th</sup> day of May, 2022.

  
Fiscal Officer of the Village of Blanchester, Clinton County, Ohio

