

ORDINANCE 2015-12

CITY OF MALVERN, ARKANSAS PROVIDING FOR CEMETERY RULES AND REGULATIONS AND GENERAL PROVISIONS REGARDING OAK RIDGE CEMETERY, REPEALING AND REPLACING TITLE 13 - CEMETERY, CHAPTERS 13.04.010 THROUGH 13.12.080

WHEREAS, it is necessary that the Malvern City Council provide rules and regulations for the sales of graves in the Oak Ridge Cemetery, record keeping, and the upkeep and maintenance of said Cemetery, and establish a Cemetery Committee.

NOW, THEREFORE, BE IT ORDAINED BY THE MALVERN CITY COUNCIL:

The following are the Rules and Regulations pertaining to Oak Ridge Cemetery.

Section 1. Sales of Graves

Numbering of Graves

Graves shall be placed in numerical order, starting at Row 1, Lot 1, and shall run consecutively through the additional rows.

Fees and Charges-Grave Space

The cost for grave spaces in Oak Ridge Cemetery is hereby set and fixed at the sum of five hundred dollars (\$500.00) for each grave space. Payment shall be made payable to: City of Malvern. All payments shall be collected at the Code Enforcement Office. All funeral service providers shall request a permit from the Code Enforcement Office to open any grave space for a burial. A permit fee of one hundred dollars (\$100.00) shall be collected by the Code Enforcement Office at the opening of each grave.

Cemetery Investment Fund

There is hereby created, from the funds collected by the city, an Investment Fund to be known as the "Malvern Oak Ridge Cemetery Investment Fund," (herein called "fund") to be established, used and operated upon the following terms and conditions: A separate fund shall be established by the City Treasurer into which one hundred (100) percent of the gross sale price of any grave space sold in the city cemetery shall be placed. Said payment shall be made no less than thirty (30) days after the final payment is made on each grave space sold. Such monies shall be conveyed to the fund. In addition thereto, the City Treasurer is authorized to receive such other funds or properties as may be conveyed to the fund by gift or otherwise and such appropriations as the city council of Malvern may from time to time

appropriate for the fund. The fund shall not be commingled with the general fund or revenues of the City of Malvern.

Investing. The City Treasurer shall invest said fund in a manner to increase the value of the fund with a low risk of loss. There shall be an Investment committee to consist of the City Treasurer, the Mayor, and the Chairperson of the Cemetery Committee. The City Treasurer shall present any investment opportunities to the Investment Committee for review prior to investing the fund.

Accounting. The City Treasurer shall render detailed accountings of the fund at least annually to the city council.

Use. The fund shall only be used for care and maintenance of the Cemetery grounds.

Section 2. Record Keeping

Record of Lots

It shall be the duty of the Code Enforcement Office to keep a record of all the lots sold and receipts thereof. The Code Enforcement Department Head shall deposit all moneys collected with the City Treasurer on the first day of each month. The City Treasurer shall report to the City Council at the first regular meeting in each month, the amounts she/he has received for the sale of lots.

All persons holding Deeds of purchase are required to present the same to the code enforcement, who shall record the same in a book to be kept by him for that purpose with proper index and in the same manner as records are kept in the recorder's office of the county.

Transfer of Deed

Any person holding a Deed of purchase may transfer their Deed to another person, upon payment of a twenty five dollar (\$25.00) transfer fee to the Code Enforcement Office. The Code Enforcement Office shall issue a new Deed to the tranferee.

Section 3. Upkeep and Maintenance

Monuments and Markers-Specifications

All monuments and markers erected in the Oak Ridge Cemetery are to be finished with at least a four-inch border of concrete which shall extend all around the base and be the same depth as the foundation. This border is to be flush with the surface of the ground and with a smooth finish. Where the tops of markers are set flush with the ground, no concrete border is necessary.

Section 4. Committee Established

Committee Established

There shall be a Cemetery Committee established by the Mayor consisting of five members.

Committee Rules and regulations

The Committee reserves the right to designate certain areas of the cemetery for the placement or erection of the types of monuments or markers chosen by families, i.e. upright or flush to the ground; and the type, composition, placement and location of flowers, trees, plants, shrubs, and foliage of any nature; and any other matter pertaining to or affecting the physical appearance of the cemetery; and that it be made clear on the Deeds issued to purchasers of grave spaces that they are buying only rights to burial of a dead human body, not Real Property.

The Committee shall promulgate any rules and regulations as needed to be approved by the Malvern City Council.

Repealer

Ordinance No. 13.04.010 THROUGH 13.12.080 are hereby repealed.

Severability

Should any portion of this Ordinance be declared invalid or unenforceable by any court of competent jurisdiction, said determination shall have no effect on the enforceability of other remaining portions of this Ordinance.

Passed this 13th day of October , 2015.

Approved:

Brenda J. Weldon
Brenda J. Weldon, Mayor

ATTEST:

Phyllis Dial
Phyllis Dial, City Clerk