

SMITHS GROVE CITY COMMISSION

RESOLUTION NUMBER 05-11

*** **

A RESOLUTION SETTING OUT RULES, REGULATIONS AND RESPONSIBILITIES FOR THE MANAGEMENT OF THE SMITHS GROVE CEMETERY

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WHEREAS, the City of Smiths Grove has an Ordinance covering the financial functions of the Cemetery; and

WHEREAS: activities allowed or disallowed involving the Smiths Grove Cemetery has never been codified into one definitive source;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SMITHS GROVE, KENTUCKY:

Resolution No. 94-1 enacted on March 28, 1994, and setting forth procedures for perpetual funds, funds received from the sale of graves and from annual maintenance fees, is hereby repealed in its entirety effective the date Resolution Number 5-11 is approved.

This Resolution covers all activities at the Cemetery except the cost of grave lots, requirements for vaults and maintenance fees which are covered by Ordinance.

Section 1. Designation of Cemetery trustee and treatment of Cemetery funds.

The trustee of all Cemetery funds will be the Smiths Grove City Clerk/Treasurer. The City Clerk/Treasurer will sell all burial lots, collect all funds and manage those funds pursuant to applicable laws and rules set by the State and Smiths Grove City Commission.

A perpetual care and maintenance trust fund has been established by the Smiths Grove Cemetery in financial institutions. It is further resolved and understood, that the principal amount of these deposited perpetual funds is irrevocable and shall remain untouched.

As set forth by the Attorney General of the Commonwealth of Kentucky, twenty per cent (20%) of the gross selling price for each grave lot shall be deposited in the perpetual care trust fund. Any and all interest earned from the funds of the Smiths Grove Cemetery will be used for the purpose of maintaining or improving the Smiths Grove Cemetery.

Section 2. Additional duties of the City Clerk/Treasurer.

The City Clerk/Treasurer will:

1. Make all sales of burial plots and collect the requisite funds as established by Ordinance.
2. Be authorized to sell cemetery lots on deferred payment contract plan, provided the minimum initial payment shall be twenty five percent (25%) of the total price, with installment prices of the same amount for the next three quarters. A condition of such sale shall be that in the event it becomes necessary to use the plots for burial, the outstanding balance shall become due and payable immediately. If payments are not made in full the plots will revert back to the cemetery in one year for the date of the original sale.
3. Upon payment of the requisite funds prepare a deed for the plots to the purchaser, describing the number of plots sold and their location.
4. Update all records to include the sale.
5. To transfer deeds to burial plots if necessary by issuing new deeds. A reasonable fee of \$10.00 per transaction may be charged for this service.
6. Supervise all interments.
7. Be the contact person for all undertakers, funeral directors and family members, collect the decedent's name, age, marital status, dates of birth and death and then update all records.
8. Determine the applicable deed being used for all burials and recording the above information on that deed record.
9. If necessary, is authorized to hire an assistant for no more than \$150 per month.

Section 3. Rules and Regulations of the Smiths Grove Cemetery

Contractor will provide burial services. All burial services will be provided by the Contractor approved by the Smiths Grove Commission. The Contractor will open all graves, providing grave set up which includes tent, lowering device, chairs and grass.

Locating, measuring and marking the grave. The City Clerk/Treasurer or his/her assistant will locate, measure and mark the grave prior to interment.

Supervision of improvements. All Improvements of cemetery lots will be subject to the supervision of the City Clerk/Treasurer or his/her assistant.

Graves – Dimensions. All graves will be dug to the specifications established by industry standards.

Vaults. (The term "vault" for the purpose of this item is a steel or concrete outer container or grave liner in which the casket is placed) All burials will be made using vaults to shield against the collapse of the casket. Burials of the ashes following cremation will not require a vault.

Cremains requirements. Non-standard burials must have a monument or ground level marker. Four (4) cremains will be allowed per plot; however, each must have a marker or monument.

Monuments allowed. All types of monuments or group markers are allowed that are reasonable. The City Clerk/Treasurer will make the decision on acceptance of all monuments. Non-standard monuments should be brought to the attention of the City Clerk/Treasurer or his/her assistant for approval, i.e. all monument companies in the general area will be contacted and advised of this rule. If the party purchasing the monument refuses the City Clerk/Treasurer's decision that party will have the right to a full review of the decision by the City Commission.

Monument size. No monuments will be constructed that are wider than the cemetery plot.

Monument placement. All monuments must be placed in a reasonable location on each burial plot. The City Clerk/Treasurer or his/her assistant will make the decision on the location of a monument within the constraints of the burial plot. If the party purchasing the monument refuses the City Clerk/Treasurer's decision that party will have the right to a full review of the decision by the City Commission.

Foundations for monuments. All monuments will be erected under the supervision of the City Clerk/Treasurer or his/her assistant and will meet or exceed industry standards. Permits to erect a monument should be requested by vendors through the City Clerk/Treasurer, a fee of \$25 will be charged for each foundation that is located by the City Clerk/Treasurer or his/her assistant. City approved contractors will dig and construct proper foundations based on the information furnished in the Permit request. The fee for the foundation will be paid by the monument company to the city approved contractor(s).

Workmen under direction of City Clerk/Treasurer. All workmen and monument erectors will be subject to and under the direction of the City Clerk/Treasurer or his/her assistant.

Seasonal construction work. The City of Smiths Grove reserves the right to stop all construction and erection of monuments and gravestones between the first day of November and the first day of April or in weather conditions which could lend harm to the cemetery grounds.

Corner posts and other permanent landmarks. All Corner posts or other permanent landmarks of lots must be placed by the owner with the approval of the City Clerk/Treasurer or his/her assistant. No walls or wooden fences shall be erected as enclosures of lots that will prohibit maintenance.

No trees and shrubs are to be planted without approval (see Section 4). No trees, shrubs or permanent flowers are to be planted on the gravesite. The City Clerk/Treasurer or his/her assistant will have all trees and shrubs or permanent flowers removed that have been planted without specific permission.

Benches or other non-standard structures. Benches or other non-standard structures have always been restricted. Approval for placement of such structures must have approval of the City Clerk/Treasurer. Under no circumstances will benches or other non-standard structures be allowed in the cemetery unless they are constructed of granite or marble. If the party purchasing the benches or other non-standard structures refuses the City Clerk/Treasurer's decision that party will have the right to a full review of the decision by the City Commission.

Removal of benches or other permanent structures. The City Clerk/Treasurer or his/her assistant will have the authority to remove all benches or other permanent structures not pertinent to the burial plot. All structures to be removed will be given 90 days' notice before they are to be removed. The benches or other structures removed will be placed in the Southeast corner of the cemetery so the owner can pick them up. If the party whose benches or other structures have been removed refuses the City Clerk/Treasurer's decision that party will have the right to a full review of the decision by the City Commission.

Section 4. Trees allowed to be planted and their location.

Planting trees in the Cemetery will be allowed by a written Resolution, approved by the Smiths Grove City Commission in a roll call vote, on an ad hoc basis as requested; however, the Smiths Grove Cemetery has areas where no monuments will ever be erected which gives us good areas to specifically plant species of trees that will do little damage to the monuments in our cemetery.

Procedure: Any citizen or non-citizen who owns a cemetery plot or a community group that desires to plant a tree or trees in the Smiths Grove Cemetery must make a petition to the Smiths Grove City Commission to get a Resolution passed from the Commission for such planting.

Location: The petition should specify the location the tree/trees is/are to be planted. An applicable plat of the cemetery and the suggested location for placement of the tree/trees would be preferable.

Species preferred: The preferred trees to be planted in the cemetery are as follows:

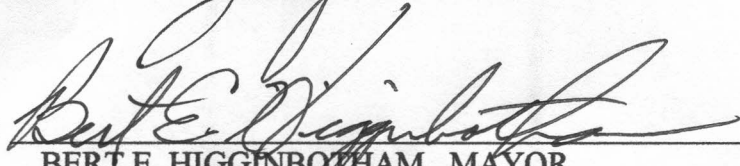
Common Name	Scientific Name
Crabapple	malus, various
Redbud	cercis canadensis
Pagoda dogwood	cornus alternifolia
Flowering dogwood	cornus florida
Serviceberry (apple serviceberry)	amelanchier x grandiflora
Washington Hawthorne	crataegus phaenopyrum
Foster Holly	ilex x attenuata
Crape Myrtle	lagerstroemia, various

Species other than preferred: Other species will be considered if they are similar in characteristics to the approved species. If exceptions are made to the specie restrictions it will only be done by a Resolution approved by the full Smiths Grove Commission in a roll call vote.

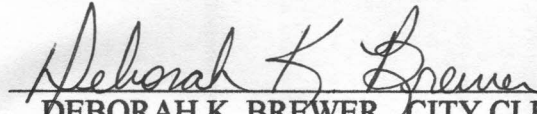
Trees planted in Smiths Grove Cemetery without a signed Resolution approving the Species and Location will be summarily removed.

Passed on this 25th day of July 2011.

APPROVED:


BERT E. HIGGINBOTHAM, MAYOR

ATTEST:


DEBORAH K. BREWER, CITY CLERK

