

ORDINANCE NO. BG2024 - 4

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 8
(CEMETERIES) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES

WHEREAS, City staff has reviewed and recommends amendments to Chapter 8 (Cemeteries) of the City of Bowling Green Code of Ordinances; and,

WHEREAS, the amendments are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 8 (Cemeteries) is hereby amended as follows:

8-1 DESIGNATED.

8-1.01 Fairview Cemetery.

The tract of land purchased from W.W. McNeal and described in a deed from W.W. McNeal to the Board of Trustees of the City of Bowling Green and their successors in office, and recorded in [d]Deed [b]Book 30, Page 244 in the Warren County Clerk's Office, and all subsequent additions thereto, including the tract of twenty-five (25) acres immediately across the highway to the east and purchased from the regent of the R.W. Ogden Estate shall be known and called Fairview Cemetery and so designated in all certificates to purchasers of lots therein. The same shall be maintained and continued as a cemetery for the interment of human remains only as provided by this Chapter.

8-1.02 Other Cemeteries.

The tracts of land purchased and/or maintained by the City referred to as Pioneer Cemetery, [~~Davis Hoffman Cemetery~~], Covington Family Cemetery and Mt. Moriah Cemetery shall be included in the scope of this Chapter.

8-2 SUPERVISION; [ADMINISTRATOR'S] DIVISION MANAGER'S

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GENERAL DUTIES.

8-2.01 Cemetery Operations.

All cemeteries owned and/or operated by the City shall be under the management of the Department of Parks and Recreation. The cemetery operations are divided into two (2) programs: 1) Administration, which will be managed by the Cemetery ~~[Administrator]~~ Division Manager; and 2) Maintenance, which will be managed by the Cemetery Maintenance Crew Supervisor.

8-2.02 Official Map.

The maps of all City-owned and/or operated cemeteries, with additions, on file at the Fairview Cemetery Administrative Office are now adopted and are hereby declared the Official Maps of the City cemeteries, including burial lots therein.

8-2.03 General Duties of ~~[Administrator]~~ Division Manager.

The Cemetery ~~[Administrator]~~ Division Manager, or designee, shall record and maintain all records, be present at every interment and shall have the general direction and control of the improvements of the premises. The ~~[Administrator]~~ Division Manager, or designee, shall keep maps of the cemeteries as provided hereinabove, showing its avenues, walks and lots with the numbers thereof, and shall cause the boundaries of lots, avenues and walks to be preserved. The ~~[Administrator]~~ Division Manager, or designee, shall see that the regulations for the preservation of property and observance of decorum are strictly enforced. The ~~[Administrator]~~ Division Manager shall have administrative charge of all property on the cemetery grounds.

8-2.04 Duties of Maintenance.

The Cemetery Maintenance Crew Supervisor, or designee, shall maintain City-owned buildings and grounds in an acceptable condition, prepare graves for burials and assist with funerals. The Maintenance Crew of the cemetery shall assist funerals and funeral directors, including entry and exit of persons attending funerals, burials and closures. The Cemetery Maintenance Crew shall

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perform maintenance duties, including mowing grounds and other duties as required.

8-3 PERPETUAL FUND.

8-3.01 Income from Certificates of Burial.

Twenty (20%) percent of all of the income from the issuance of certificates of burial, and ten (10%) percent of all the income from cremations/niches in the cemeteries, shall be placed in a Perpetual Fund which shall be invested and the proceeds from same used for maintenance and upkeep of the cemeteries. All prior monies heretofore withheld since November 1, 1964 shall be retained in the Fund.

8-3.02 Acceptance of Trusts.

The City may accept Trusts pursuant to Kentucky Revised Statute (KRS) Chapter 386, which shall be placed and retained in the Perpetual Fund, to be invested in a like manner of all income designated for Perpetual Fund and the proceeds from same used for maintenance and upkeep of the cemeteries.

8-3.03 Trustee Designated.

The City [~~Treasurer~~] Chief Financial Officer, or designee, is hereby designated as the trustee of the Perpetual Fund, which is hereby designated as "The Perpetual Cemetery Maintenance Fund."

8-3.04 Duties of Trustee; Trustee's Bond.

a. The trustee of the Perpetual Fund shall invest the fund in U.S. Government Bonds, savings accounts guaranteed by the Federal government, or in first mortgages, bonds or the equivalent in guaranteed investment.

b. The trustee and his successors in office shall execute a bond with corporate surety thereon to guarantee the faithful performance of the duties of the trustee.

8-4 PAYMENT; ISSUANCE OF CERTIFICATES OF BURIAL.

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8-4.01 Receipt of Payment [~~by Administrator~~].

The Cemetery [~~Administrator~~] Division Manager, or designee, shall receive payment for [~~rights to burial lots for~~] cemetery services by cash, check or approved credit card. The Cemetery [~~Administrator~~] Division Manager, or designee, is also authorized to approve rights to burial lots by the use of an installment payment contract, following procedures established by the City of Bowling Green, with the City [~~Treasurer~~] Chief Financial Officer, or designee, authorized to execute such contracts for the City. Fees for services shall be made by cash, check or approved credit card.

8-4.02 Fee Schedule; Restriction.

All certificates of burial shall be issued in accordance with the fee schedule recommended by the Cemetery [~~Administrator~~] Division Manager and the Director of Parks and Recreation, with approval by the City Manager, and Board of Commissioners. No certificates of burial shall be issued for commercial or promotional purposes or for a profit.

8-4.03 Certificates of Burial Issued; Contents.

Each person requesting a burial lot, upon payment of the designated fee or by paying the designated fee under an installment payment contract, shall receive a certificate of burial executed by the Office of City Clerk. The burial lot described more particularly in the certificate of burial shall be used for the purpose of human interment alone.

8-5 TRANSFER OF LOTS; FEE.

No transfer of any certificate of burial shall be permitted except with the written consent of the current holder of the certificate of burial or [~~his~~] deceased owner's heirs or assigns. The Cemetery [~~Administrator~~] Division Manager, or designee, must also consent to the transfer, which shall be confirmed by the issuance of a new certificate by the Office of City Clerk. The fee for transfer of any certificate of burial shall be established by the Cemetery [~~Administrator~~] Division Manager and the Director of Parks and Recreation, with approval by the City Manager.

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8-6 APPLICATION PRIOR TO INTERMENT REQUIRED.

An application for interment must be presented to the Cemetery [Administrator] Division Manager, or designee, at least [~~twenty-four~~] forty-eight ([24] 48) hours in advance and overseen by a Kentucky licensed funeral director. A correct measurement of the grave desired shall be furnished to the Cemetery [Administrator] Division Manager, or designee, and if the coffin is enclosed in an outside container, such container shall be furnished at the same time.

8-7 BURIAL PERMITS; REQUIREMENTS AND RECORDS.

The Cemetery [Administrator] Division Manager, or designee, shall maintain a register of all burial and disinterment permit records received. The permit for the burial or removal of any corpse shall be presented as a written request from an undertaker, physician or some member of the family of the person whose remains are to be interred or removed, showing the decedent's name, age, date of death, county and state of death and whether the decedent was cremated. These records shall be maintained by the Cemetery [Administrator] Division Manager, or designee, and submitted to the Barren River Area Health Department and/or Kentucky Office of Vital Statistics.

8-8 SPECIFIC RULES AND REGULATIONS TO GOVERN OPERATION.

8-8.01 [Administrator] Cemetery Administrative Office Duties.

The Cemetery [Administrator] Division Manager shall declare rules and regulations to govern the interment of bodies, erection of markers, and the administration of the City-owned and/or operated cemeteries.

8-8.02 Improvements of Cemetery Lots.

The receipt of a certificate of burial allows for burial rights only. All improvements of cemetery lots shall be limited to the installation of monuments, headstones, footstones, benches and corner markers and shall require the approval of the Cemetery [Administrator] Division Manager and the Cemetery Maintenance Crew Supervisor, or designees, prior to installation. Improvements shall be

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made of granite, marble, natural stone or bronze. Wood, concrete or other metallic improvements shall not be allowed. Landscaping is permitted as provided [~~hereinbelow~~] in Section 8-8.13 (Landscaping and Flower Regulations).

8-8.03 Corner Markers, Headstones and Landmarks.

All corner markers, headstones and other permanent landmarks of lots must be placed by [~~the owners~~] a licensed and insured monument company under the supervision of the Cemetery Maintenance Crew Supervisor and the Cemetery [~~Administrator~~] Division Manager, or designees. Corner markers and landmarks shall be flush with the ground and not larger than four (4") inches square. Above ground foot markers are permitted in Fairview Cemetery No. 1 only. Headstones on single graves shall be no longer than three (3') feet; on two (2) grave lots, no longer than six feet and six inches (6'6"); and on three (3) grave lots, no longer than seven (7') feet; and four (4) grave lots, no longer than [~~seven~~] ten (~~[7]~~10) feet. No walls or wooden fences shall be erected as enclosures of lots. Where lots adjoin, only one intersection marker shall be used at each corner.

8-8.04 Damages to Cemetery Lot Improvements.

The City of Bowling Green shall not be responsible for deterioration or damage to improvements, with the exception of any damage caused by cemetery upkeep which shall be documented by the Cemetery Crew Supervisor and repaired by the City. Other repairs required due to damages to improvements shall be the responsibility of the person named on the certificate of burial or [~~his~~] heirs or assigns.

8-8.05 Use of Potters Field; Burial Fee.

A certain portion of Fairview Cemetery is designated as "Potters Field" and shall be for the interment of [~~strangers and other persons whose friends may so desire~~] individuals as determined by the Welfare Center, [~~and so~~] with [~~much of~~] Potters Field or other areas of Fairview Cemetery [~~designated~~] appropriated by the Cemetery [~~Administrator~~] Division Manager, or designee, [~~as free~~

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~~ground shall be appropriated~~] to the burial of individuals without charge for the plot. A burial fee shall be charged which shall be determined by the Cemetery [Administrator] Division Manager and Parks and Recreation Director, with approval by the City Manager. Burials in such area shall be conducted during regular business hours Monday through Friday only, and shall be arranged through the Cemetery Administrative~~er's~~] Office.

8-8.06 ~~[Davis-Hoffman]~~ Staff Sergeant Brock Allen Beery Veterans Section.

Use of ~~[Davis-Hoffman]~~ Staff Sergeant Brock Allen Beery Veterans Section or any other sections designated for interments of veterans shall be limited to honorably discharged veterans of the United States Armed Forces who are residents of Bowling Green or Warren County. A burial fee will be charged as determined hereinabove.

8-8.07 Visiting.

a. Visitors shall be admitted to the cemeteries from 7:00 a.m. to sunset on all days of the week; but children under the age of twelve (12) must be accompanied by an adult who will be responsible for their conduct.

b. Any domesticated animal accompanying visitors must be leashed and under the control of a person twelve (12) years of age or older. Leashed service animals are permitted to accompany children with disabilities under the age of twelve (12).

8-8.08 ~~Offensive [Inscriptions on]~~ Monuments and Inscriptions.

No offensive or scandalous monuments and inscriptions shall be permitted upon any stone or monument.

8-8.09 Unlawful and Prohibited Acts Enumerated.

a. On any City-owned and/or operated cemetery, it shall be unlawful for any person in any manner to: 1) injure the fence or enclosure of any City-owned and/or operated cemetery; 2) injure any lot enclosure or tombstone material erected at any grave; 3) remove any shrubs, flowers or other things

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in such cemetery; 4) cut any tree, shrub, post, or in any manner injure same; 5) injure the grass, herbage, streets, walks, ornaments or other things in the cemetery, whether belonging to the City or individuals; 6) trespass upon its bounds; 7) congregate therein for sports or amusements; 8) conduct himself in a boisterous, loud or indecent manner; 9) ~~[ill-treat]~~ mistreat any person therein or use profane or indecent language; 10) disturb any burial party or individual being there for a lawful purpose; 11) enter such grounds with refreshments or intoxicating liquors; 12) ride or drive on the grass or pluck any flower, either wild or cultivated, or remove any plant or flower, either growing or with which any grave shall have been decorated, unless done by the owner or family member of such grave; 13) enter the cemetery otherwise than through the regular gate provided for that purpose; or 14) disturb anyone working therein for any legitimate purpose.

b. It shall be prohibited and classified as a civil violation for any owner, keeper or harbinger of any domesticated animal to fail to remove any excreta deposited by that animal within any City-owned and/or operated cemeter[y]ies. It shall also be prohibited and classified as a civil violation for any owner, keeper or harbinger of any domesticated animal to allow or permit such animal~~[, whether on a leash or roaming at large]~~ to enter any grass area of any City-owned and/or operated cemeter[y]ies, except a service animal providing assistance to a person with disabilities may enter any area of the cemeter[y]ies.

8-8.10 Unlicensed Motor Vehicles Unlawful.

It shall be unlawful for any person to use, drive, ride or operate any motorcycle, motorbike, trail bike, dirt bike, go-cart, or other such vehicle on or over any lot enclosure, shrub, flowers, grass, herbage, grave or any other area of the City-owned and/or operated cemeteries; provided, however, that licensed street motorcycles and motorbikes, properly muffled, shall be permitted on the paved roadways provided for vehicular traffic.

8-8.11 Cemeteries Closed for Business.

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The Cemetery Administrative Office and cemetery maintenance facilities shall be closed for the purpose of conducting business, including funerals, graveside services, memorials and dedications, on the following City-observed holidays and Sundays:

New Year's Day

Martin Luther King, Jr. [~~'s Birthday~~] Day

Presidents' Day

Good Friday

Memorial Day

[~~Fourth of July~~] Independence Day

Labor Day

Thanksgiving Day and the day after

Christmas Eve and Christmas Day [~~and the day before or after, however it falls~~]

Every Sunday

However, the cemetery gates will be open for the public to enter the cemetery grounds from 7:00 a.m. to sunset.

8-8.12 Inclement Weather Policies and Procedures.

a. Funerals will not be conducted when the National Weather Service, DES, or local forecasters have issued a severe thunderstorm or tornado warning for an area that includes the City of Bowling Green.

b. Funerals will not be conducted, even if a warning has not been issued, if such inclement weather conditions, as determined by the Cemetery [~~Administrator~~] Division Manager, or designee, are present.

c. When such weather conditions as indicated above are present, the Cemetery [~~Administrator~~] Division Manager, or designee, will inform the director of the appropriate funeral

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home of the weather conditions and that delays can be expected until such time as indicated by the National Weather Service, DES, or local forecasters.

d. The Cemetery [~~Administrator~~] Division Manager, or designee, will inform the director of the funeral home when conditions have improved and when the funeral can take place.

e. If during the course of a burial in progress, the weather conditions listed above become present, the Cemetery [~~Administrator~~] Division Manager, or designee, will halt the proceedings, and the employees present will assist attendees in seeking shelter and then seek shelter themselves until such weather has left the area. The final authority to make the decision to temporarily stop a funeral in progress belongs solely to the Cemetery [~~Administrator~~] Division Manager, or designee.

f. In case of severe inclement weather or unsafe road conditions, the Cemetery [~~Administrator~~] Division Manager, or designee, reserves the right to close the cemetery without notice or warning.

8-8.13 Landscaping and Flower Regulations.

a. Artificial flowers, cut flowers and decorations are not to be placed on the ground from March 1st through [~~November 1st~~] October 31st each year, except on Easter Day, Mother's Day, Father's Day, Memorial Day, Veteran's Day and the decedent's birthday. All seasonal flower arrangements shall be removed within thirty (30) days after date of placement. All flower arrangements, saddles, [~~ete-~~] trinkets and urns placed at time of burial will be removed from graves when they deteriorate or discolor.

b. All landscape improvements shall be approved by the Cemetery [~~Administrator~~] Division Manager and the Cemetery Maintenance Crew Supervisor, or designees, prior to completing. The person listed on the certificate of burial or family of the decedent requesting and completing any landscape improvements shall be responsible for the continued maintenance thereof. The Cemetery [~~Administrator~~] Division Manager and Cemetery Maintenance Crew Supervisor, or designees, shall

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not be responsible for the maintenance of any such landscape improvements and reserves the right to remove any landscape improvements that are not properly maintained. Private landscaping of lots located in Sections [O,] P[~~5~~] and Q[~~5~~] [~~R and S~~] of Fairview Cemetery No. 2 shall only be allowed in designated sites as indicated in the Cemetery Master Plan or through the City of Bowling Green's Memorial Tree Program.

c. The Cemetery [Administrator] Division Manager, Cemetery Maintenance Crew Supervisor or City Park [Forester/Arborist] shall have the authority to remove any tree or shrub which has become detrimental, dangerous or inconvenient to adjacent lots, walks or avenues.

8-8.14 Enforcement and Penalties.

a. Enforcement proceedings for Subsections 8-8.07 (b) and 8-8.09 (b) shall be classified as a nuisance and shall be initiated by the issuance of a notice of violation or a citation by a code official as set out in the procedures in Chapter 2 (Administration) of the[is] City of Bowling Green Code of Ordinances. Any person violating any portion of the aforementioned Subsections shall be subject to civil penalties as set out in Chapter 27 (Property Code), Subchapter 27-8 (Repeat Offender) of the[is] City of Bowling Green Code of Ordinances.

b. Any person who violates the remaining provisions of this Chapter shall be guilty of a misdemeanor and shall be fined not less than one hundred (\$100[~~-00~~]) dollars, nor more than five hundred (\$500[~~-00~~]) dollars, pursuant to Kentucky Revised Statute.

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on

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March 5, 2024, and given final reading on March 19, 2024,
and said Ordinance shall be in full force and effect upon signature, recordation and publication in
summary pursuant to KRS Chapter 424.

ADOPTED: March 19, 2024

APPROVED: 

Mayor, Chairman of Board of Commissioners

ATTEST: 

City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager