

## CHAPTER 95: CEMETERIES

### Section

95.01	Establishment of Evergreen Cemetery
95.02	Evergreen Cemetery Commission
95.03	Plat of Cemetery
95.04	Deeds of Lots
95.05	Payment of care, maintenance, and operation of Cemetery
95.06	Lot fees
95.07	Prior transfers and grantees
95.08	Depositing debris in public cemeteries prohibited

### 95.01 ESTABLISHMENT OF EVERGREEN CEMETERY

- (A) There is hereby established a municipal cemetery to be known as the Evergreen Cemetery on a 5.0 acre tract of land located on old U. S. Highway 31-W, and more particularly described as follows:

A certain plot of land on the south side of the Dixie Highway being the northeast corner of the farm of J. P. Arterburn, located as Glasgow Junction, Kentucky and bounded as follows:

Beginning on a stone in the middle of the Dixie Highway, original corner to J. P. Arterburn, thence S 19 E 41 poles and 18 links to a stone in said Arterburn's line; thence N 84 W 21 poles and 7 links to a stone; thence N 19 W 14 poles and 18 links to a stake in the middle of the Dixie Highway; thence with same, S 84 E 21 poles and 7 links to the beginning, containing five acres.

- (B) The Evergreen Cemetery shall be hereafter cared for, maintained, and operated by the city through the City Commission and its Cemetery Commission as hereafter established.  
(Ord. 107, passed 8-5-74)

### 95.02 EVERGREEN CEMETERY COMMISSION

- (A) The everyday care, maintenance, and operation of the Evergreen Cemetery shall be conducted by a commission which shall be known as the Evergreen Cemetery Commission.

- (B) The City Commission shall appoint five persons, ~~who are~~ {with two being} residents of the city, {two who may be a resident of the city or county, and the City Clerk for the City}, and who are not members of the City Commission to fill the offices of the Evergreen Cemetery Commission.
- (C) The Evergreen Cemetery Commission is hereby granted the authority, rights, privileges, and duties set forth in this chapter.
- (D) The initial appointment of the members to the Evergreen Cemetery Commission shall consist of one commissioner appointed for a one-year term, ~~two commissioners~~ {one commissioner} appointed for a two-year term, and two commissioners appointed for a three-year term. Appointments of cemetery commissioners at the expiration of their terms as provided for above shall be for a term of three (3) years. Vacancies shall be filled by the City Commission for the balance of any unexpired term. {The City Clerk shall serve during their term as the duly appointed position as the Park City – City Clerk.}
- (E) The cemetery commission shall elect from their number a Chairperson and Secretary and other appropriate officers as needed. The Evergreen Cemetery Commission shall meet at least quarterly and more often as deemed necessary by the commissioners. The cemetery commissioners shall establish policy necessary to function and shall keep minutes of all meetings. Three (3) members present at the meeting shall constitute a quorum.
- (F) The Evergreen Cemetery Commission is hereby granted all power and authority necessary to carry out the care, maintenance, and operation of the Evergreen Cemetery, under applicable law, and to the benefit of the citizens and residents of the city.
- (G) ~~(1)~~ {2} All statues, benches and other permanent fixtures other than a tombstone or gravestone marker (head or foot maker) must be approved, prior to erection by the Cemetery Commission.

~~(2)~~ {1} The Cemetery Commission is authorized pursuant to subsection (F) to establish and enforce rules and regulations for the use, display and placement of flowers and decorations on the graves or within the cemetery, and for burial equipment allowed for use within the cemetery.  
(Ord. 107, passed 8-5-74; Am. Ord. 250-98, passed 1-4-99)

### 95.03 PLAT OF CEMETERY

The Evergreen Cemetery Commission shall cause a plat of the Evergreen Cemetery to be made showing the size and location of the blocks into which it is divided and the lots which the blocks contain with the blocks being indicated on the plat by letters and the lots by numbers. The plat shall be acknowledged by the City Commission, attested by the City Clerk / Treasurer and the municipal seal affixed thereto. The plat shall then be lodged for record in the office of the County Court Clerk. (Ord. 107, passed 8-5-74)

### 95.04 DEEDS TO LOTS

A deed {Right of Burial Certificate} to a lot in the Evergreen Cemetery shall describe the lot by reference to block and lot, and shall be acknowledged by the Chairperson of the Evergreen Cemetery Commission and attested by its Secretary. Each deed executed by the Evergreen Cemetery Commission for a lot in the Evergreen Cemetery shall contain restrictions that the lot shall not be planted with myrtle, running vines or any description, or trees, and that each grave shall be returned to a level condition, mounds and depressions being prohibited, and that any monument erected on the grave shall be erected in line with those previously established. (Ord. 107, passed 8-5-74)

### 95.05 PAYMENT FOR CARE, MAINTENANCE, AND OPERATION OF CEMETERY

- (A) The care, maintenance, and operation of the Evergreen Cemetery shall be paid for by income from endowment funds or by funds from the treasury of the city or from any other source.
- (B) ~~The Evergreen Cemetery Commission~~ {Park City – City Commission} shall establish two (2) financial accounts for the care, maintenance, and operation of the Evergreen Cemetery. One account shall be a perpetual account and this account shall be deposited so that interest may be earned thereon, and from the account no amount of the principal may be used without authority from the City Commission. The interest from the perpetual account may be spent for the care, maintenance, and operation of the Evergreen Cemetery. The second account shall be an operation and maintenance account and from this account all routine expenses shall be paid.
- (C) All donations received by the City Commission or Evergreen Cemetery Commission for the Evergreen Cemetery, unless otherwise designated, shall be deposited ~~fifty percent (50%) into the perpetual upkeep account and the other fifty percent (50%) deposited~~ into the operation and maintenance account {or a savings account} of the cemetery. (Ord. 107, passed 8-5-74; Am. Ord. 250-98, passed 1-4-99)

(D) the Evergreen Cemetery, shall be segregated accounts, and shall be subject to any and all regulations and laws required by the City. The Evergreen Cemetery Commission shall submit an annual budget request to the Park City – City Commission. The budget request shall include all expenditures and income for operation and maintenance of the cemetery. }

#### 95.06 LOT FEES

(A) The Evergreen Cemetery Commission is hereby authorized and directed to establish a price and may establish a perpetual upkeep fee for lots to be sold in the Evergreen Cemetery. In addition, the Evergreen Cemetery Commission may establish a perpetual upkeep fee on lots sold prior to this establishment of the municipal cemetery. Effective January 1, 1999, fifty percent (50%) of the cost of cemetery lots sold and received shall be deposited into the perpetual upkeep account with the other fifty percent (50%) deposited into the operation and maintenance account of the cemetery.

{ (B) Effective January 1, 2020, twenty five percent (25%) of the cost of the cemetery lots sold and received shall be deposited into the perpetual upkeep account with the other seventy five percent (75%) deposited into the operation and maintenance account of the cemetery. All lots sold shall be on a cash sales base.}

{{(C)} (B) The Evergreen Cemetery Commission shall report at least once per year on the number of lots sold, the deposits, expenditures, and balance of the operation and maintenance account, the deposits, expenditures, and balance to the perpetual account, and on any other additional {accounts or} information deemed necessary for full disclosure to the City Commission.  
(Ord. 107, passes 8-5-74; Am. Ord. 250-98, passed 1-4-99)

#### 95.07 PRIOR TRANSFER AND GRANTEES

Nothing in this acceptance and establishment of a municipal cemetery shall affect the prior transfers of cemetery lots in the Evergreen Cemetery, and the Evergreen Cemetery, and the Evergreen Cemetery Commission is authorized and encouraged to work with prior grantees of cemetery lots for the clarification and correction of any prior transfer of cemetery lots in the Evergreen Cemetery.  
(Ord. 107, passed 8-5-74)

#### 95.08 DEPOSITING DEBRIS IN PUBLIC CEMETERIES

(A) It shall be unlawful for any person to deposit dirt, rock, metal, or other debris in the public cemeteries of the city, known as the Evergreen Cemetery, any other public cemetery, located within the Park City limits, except in the area so designated for such deposit.

- (B) Persons opening or closing graves or causing graves to be opened or closed, for persons preparing a monument footer or any other approved monument, shall not leave within the cemetery excess dirt, rock, metal, or other debris or litter from said activity.  
(Ord. 167-88, passed 4-4-88)

#### 95.99 PENALTY

Any person, corporation, or other business entity found guilty of violating any provision of Section 95.08 shall be guilty of a ~~misdemeanor~~ violation and shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).  
(Ord. 167-88, passed 4-4-88)