

CHAPTER 92: CEMETERY

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92.01 LOCATION.

The following tracts of land were purchased from the parties to the trustees of the city of Bardstown and their successors in office and recorded in the Nelson county court Clerk's Office for the purpose of a cemetery and called the Bardstown Cemetery, and so designated in all deeds to purchasers of lots therein under the provisions and regulations hereinafter prescribed: Joseph Hart and James M. Doom, Deed Book 38, Page 537, dated December 27, 1852; E.C. Clark, Deed Book 37, Page 601, dated December 1, 1871; Tom Moore, Jr., Deed Book 80, Page 572, dated September 3, 1914; J.F. Conway, Deed Book 126, Page 249, dated July 20, 1950; Edwin M. Hagan, Deed Book 127, Page 244, dated May 5, 1952; and subject to a division line agreement between the Archbishop of Louisville on behalf of St. Joseph Church, dated November 28, 1986.

92.02 HOW DIVIDED AND SOLD; FEES AND CHARGES.

A tract of land described in 92.01 shall be divided and set apart as heretofore, to wit: (See copy of plat filed with Sexton.) The cemetery is laid off in lots/rows and sold at the following rates:

(A) Single lot in sections 1-6 and Sections 13 - 18 All other single lots/rows	\$ 500 \$ 450
(B) Baby Grave	\$ 150
(C) Opening and closing for grave	\$ 400
(D) Opening and closing grave for urn	\$ 150
(E) Opening and closing for baby grave	\$ 150

92.03 OFFICE OF THE CEMETERY SEXTON; DUTIES.

The Mayor shall appoint a Cemetery Sexton who shall have responsibility for the record keeping and overall management of the cemetery. The Sexton shall accept all calls pertaining to the cemetery; answer questions; forward complaints to appropriate personnel, sell grave spaces; maintain all records of grave spaces and locations; keep a map of the cemetery showing its avenues, walks and lots with numbers thereof; shall keep a record of lots sold and those for sale; maintain accounts payable; accept deposits; work with funeral homes; and maintain filing system.

92.04 PUBLIC WORKS SUPERINTENDENT DUTIES TO MAINTAIN

The Public Works Superintendent of the City shall cause the boundaries of lots, walks and avenues to be preserved, and shall have charge of all the property of the cemetery and premises; shall plant, maintain and remove trees and other growth on the cemetery property through the Department of Public Works or by independent contractors.

92.05 CEMETERY COMMITTEE

The Sexton and the Public Works Superintendent shall at the request of the Cemetery Committee of the City Council meet with the Committee at their regularly scheduled meetings and at any special called meeting and shall make available for inspection by the committee all records and information concerning the management of the cemetery. Upon request, they shall also consult and advise the Cemetery Committee as to proposed changes to this ordinance which governs the Bardstown Cemetery.

92.06 DEED OF PURCHASE

(A) Every person purchasing lots of 4' x 9' size or larger as stated in this article, on the satisfactory payment to the Sexton of the consideration for such lot, shall be entitled to a deed to be issued by the Sexton in the following form:

WHEREAS, _____ of _____ County, state of _____ has purchased from the City of Bardstown, Nelson County, Kentucky, a certain lot in the BARDSTOWN CEMETERY hereinafter particularly described and having paid the consideration of Dollars (\$ _____) therefore, said sum being the price fixed by ordinance:

NOW, the city of Bardstown, in consideration of the payment of said sum as shown by the Treasurer's receipt, does through and by its Mayor and Clerk under and by virtue of the authority of the ordinances of said city hereby conveys unto the said _____ (their, his or her) _____ heirs and legal representatives the following described lot in said cemetery to-wit: A lot of the dimensions of _____ x _____ feet, Section No. _____; Lot No. _____, Grave No. _____.

TO HAVE AND TO HOLD the same in fee simple forever for the purpose of sepulture only. This writing is made expressly subject to all the rules, ordinances, regulations and restrictions which are now, or which from time to time may be in force, and it is expressly understood between said purchaser and said city, that said lot, or any part of same, cannot be transferred or conveyed by grantee to any other person, except upon the written consent of the City council made of record, and any conveyance made without such authority shall be void.

IN TESTIMONY WHEREOF the said Mayor and Clerk have hereunto signed their names this _____ day of _____ 20 _____.

Mayor

City Clerk

A COPY ATT: Recorded cem., D.B. Page _____

(B) The deed, when so made, before it becomes valid, shall be recorded in full on the Bardstown Cemetery Deed Book of the City Council and approved by them, and the Clerk after recording same, shall deliver the original to the purchaser with his/her

endorsement of the order book and page thereon. The Sexton shall keep a book in which he/she shall note all transfers of lots and carefully keep a list of all the lots sold and those for sale.

92.07 UNUSED OR TRANSFER OF LOTS.

(A) The City shall have the right to reclaim unused burial sites through any process authorized by state law (KRS381.715).

(B) No transfer of any lot shall be permitted, except upon the record books and with the consent of the City Council; and the deed of conveyance made, signed, approved and recorded as aforesaid shall be conclusive proof of ownership, and no person shall have the use of or title to any lot until the same is paid for or satisfactorily arranged.

92.08 LAND MARKS TO LOTS.

It shall be the duty of proprietors of lots to place and keep in repair permanent land marks of the boundaries of their respective lots, and to keep same clean, and all improvements of lots shall be subject to the supervision and control of the Public Works Superintendent or cemetery staff.

92.09 ENCLOSURE OF LOTS; INTERMENTS.

(A) No stone or brick walls, entire, or wooden fences shall be erected as enclosures of lots. The proprietor of any lot, through an approved company, may erect proper or suitable stones or monuments thereon which have been approved by the Sexton.

(B) If any tree or shrub, situated on any lot, shall by means of its roots, branches or otherwise, become detrimental, dangerous or inconvenient to the adjacent lots, walks or avenues, it shall be the duty of the Public Works Superintendent to have same removed.

(C) All interments on private lots shall be made at least 4 feet deep and the graves dug at least 4-1/2 inches within the line of the lots.

(D) One full burial and two cremations are allowed on a 4' x 9' sized or larger grave space. Double depth interments are not permitted. One cremation burial is allowed on a 2' x 2' grave space. Scattering of remains in the Cemetery is prohibited.

92.10 RULES FOR ERECTING MONUMENTS.

(A) All monuments henceforth placed in the Bardstown Cemetery shall be subject to the rules and regulations set forth by municipal order. Companies doing this type of business shall meet all city requirements as to licenses and fees (including occupation license.) No makeshift or homemade monuments shall be erected in the cemetery. Only flush-to-ground monuments will be allowed in the designated cremation and baby grave sections.

(B) No approved company erecting monuments, tombs or other structures, shall permit the material or debris therefrom to remain on the ground longer than actually necessary.

92.11 RULES AND REGULATIONS.

(A) The Bardstown City Council shall promulgate by municipal order the rules and regulations to keep and preserve the beautification and the order of the cemetery. The rules and regulations shall provide for the care, use, operation and maintenance of the cemetery. The rules and regulations may be amended by Municipal Order of the Bardstown City Council.

(B) The Bardstown Cemetery disclaims all responsibility for loss or damage from causes beyond its reasonable control. This includes theft, vandalism, explosions, and unavoidable accidents caused by acts of war, acts of nature or acts of God.

92.12 PERPETUAL CARE AND MAINTENANCE TRUST FUND.

(A) The Sexton shall register grave spaces to establish a perpetual care and maintenance trust fund account in a financial institution. A financial institution includes a bank or savings and loan association authorized to do business in Kentucky. This trust fund is an irrevocable trust fund. The income of the funds shall be used solely for general care, maintenance and embellishment of the cemetery, and to pay the cost of examinations by the Attorney General's office.

(B) The trustee is the financial institution and it may release income to the cemetery upon receiving adequate certification that money has been spent for the authorized purposes. The agent has the authority to transfer the funds to another trustee upon notification to the Attorney General. In any transfer, the former trustee will transfer the funds directly to the newly designated trustee.

(C) The Sexton shall place into the perpetual care and maintenance trust fund of the cemetery in which the item is located, within 30 days after each calendar quarter of operation: 20% of each payment of the gross selling price of each grave space with a minimum of \$20 per grave space. Gross sales price does not include interest. The City Clerk, at the time of making deposit or investment, shall furnish to the financial institution the amount of payment for which the deposit or investment is being made.

92.99 PENALTY.

Any person or entity violating any of the regulations promulgated by adoption of a Municipal Order under the provisions of this chapter shall upon conviction be deemed to have committed a violation and shall be fined not less than \$50 nor more than \$250 for each offense.