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City of Russellville
GRANTOR

Ordinance #2328
GRANTEE



ORDINANCE NO. 2328

**AN ORDINANCE ADOPTING THE CITY OF RUSSELLVILLE OAKLAND
CEMETERY CODE AND FOR OTHER PURPOSES**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
RUSSELLVILLE, ARKANSAS, THAT:**

SECTION 1: Ark. Code Ann. §14-55-207, authorizes municipalities to adopt codes or regulations by reference. The document attached hereto as "Exhibit A", to be known as the "City of Russellville Oakland Cemetery Code" is hereby adopted by reference. Copies of this Code shall be maintained at City Hall by the City Clerk-Treasurer, the Mayor, the City Attorney and the Oakland Cemetery Director.

SECTION 2: The provisions of the City of Russellville Oakland Cemetery Code, which is adopted by this Ordinance, are deemed to be severable. A finding that any part of this Code or Ordinance is invalid by a court of competent jurisdiction shall not affect the validity of the remaining provisions of this Code or Ordinance.

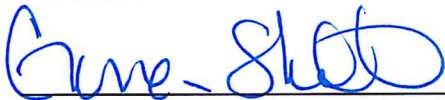
SECTION 3: Ordinance Nos. 1961, 2045, 2078, 2164, 2208 and 2225 and any other ordinance in conflict with this Code or Ordinance is hereby repealed.

ORDAINED, this 18th day of July, 2019.



RICHARD HARRIS, MAYOR

ATTEST:



GINA SKELTON, CITY CLERK-TREASURER

I, Gina Skelton, City Clerk-Treasurer of the City of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2328 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 18th day of July, 2019.

APPROVED AS TO LEGAL FORM:



WILLIAM F. SMITH III, CITY ATTORNEY



EXHIBIT A

OAKLAND CEMETERY CODE

ARTICLE I	IN GENERAL
ARTICLE II	ESTABLISHMENT OF OAKLAND CEMETERY COMMISSION
ARTICLE III	OPERATION AND MAINTENANCE OF OAKLAND CEMETERY
ARTICLE IV	FEES

ARTICLE I IN GENERAL

SECTION 1.1 **TITLE**. This Ordinance may be cited as the “City of Russellville Oakland Cemetery Code”. This Code was adopted by reference in accordance with A.C.A. §14-55-207 (Ordinance No. _____)

SECTION 1.2 **PURPOSE**. The purposes of this Code are:

1.2.1. To provide an appropriate final resting place for deceased individuals and allow loved ones a place of peace and tranquility at the location of the resting place.

1.2.2. To ensure that the proper and reasonable maintenance, appearance and use of Oakland Cemetery is and shall remain an important function of the government of the City.

1.2.3. To assure that burials, disinterments and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community.

1.2.4. To make certain amendments from time to time to improve the administration of Oakland Cemetery and its associated policies and procedures.

1.2.5. To regulate the purchase, transfer, and reclaiming of burial rights within Oakland Cemetery.

1.2.6. To maintain the orderly record keeping, perpetual care grounds keeping, and other operational requirements of Oakland Cemetery.

1.2.7. To preserve that all aspects of Oakland Cemetery are managed in a manner that will reflect positively on the City and respectful to the families of loved ones interred in Oakland Cemetery.

SECTION 1.3 **NAME OF CEMETERY**. The grounds previously conveyed to the City and previous and continued designated use by the City as cemetery grounds hereafter be known as the City of Russellville Oakland Cemetery, and when the word “cemetery” is hereafter used in this chapter it shall mean the Russellville Oakland Cemetery.

SECTION 1.4 **DEFINITIONS**. The following words and phrases have the following meaning for the purpose of this Code:

1.4.1. "Cemetery" means the land and structure owned by the City that is dedicated to and used or intended to be used for interment of human remains that is both a burial park for earth interments, a columbarium for cremain interments, and a burial park for cremain interments.

1.4.2. "City" means the City of Russellville, Arkansas, a city of the first class and a municipal corporation organized under the laws of the State of Arkansas.

1.4.3. "City Council" means the City Council of the City of Russellville, Arkansas.

1.4.4. "Columbarium" means a structure, room, niche or space in a building or structure used or intended to be used for the interment of cremated human remains.

1.4.5. "Commission" means the Oakland Cemetery Commission of the City of Russellville, Arkansas.

1.4.6. "Contractor" means a third (3rd) party contracted with by the City to execute the necessary cemetery services for the City, including, but not limited to:

- 1.4.6.1. The opening and closing of adult graves.
- 1.4.6.2. The opening and closing of infant graves.
- 1.4.6.3. The opening and closing of cremation graves.
- 1.4.6.4. The disinterment of remains.
- 1.4.6.5. The reinterment of remain.
- 1.4.6.6. The fill in of graves.

1.4.7. "Contractor's Fee Schedule" means a current fee schedule set by the Contractor for their services rendered as part of the contract between the Contractor and the City.

1.4.8. "Cremains" means the ash remains of a cremated human body.

1.4.9. "Cremation space" means a legal and authorized gravesite generally measuring two (2) feet by two (2) feet and located in areas designated by the cemetery map.

1.4.10. "Crypt" means a chamber of sufficient size to inter the remains of a deceased person.

1.4.11. "Disinterment" means the opening or excavation of an existing space.

1.4.12. "Fee Schedule" means the current City fee schedule as adopted and amended by the Russellville City Council by resolution which shall set the fees which shall be charged for the various cemetery services.

1.4.13. "Grave lot," "grave space," "lot" or "space" means a legal and authorized gravesite generally measuring five (5) feet in width and twelve and one-half (12½) feet in length, and intended for interment.

1.4.14. "Infant interment garden" means a designated area in a perpetual care cemetery for the interments of infants and children no more than twenty-four (24) months of age.

1.4.15. "Interment" means the lawful disposition of the remains of a deceased person as provided by law.

1.4.16. "Lawn crypt" means an interment space sometimes referred to as a "belowground crypt", "westminister", or "turf top crypt" in a preplaced chamber or burial vault either side-by-side or at multiple depths, covered by earth and sod.

1.4.17. "Marker" means a singular stone of granite, marble, cut stone, or a bronze plaque either flush or above ground, with the name of the deceased appearing thereon.

1.4.18. "Mausoleum" means a community-type structure or room or space in a building or structure used or intended to be used for the interment of human remains in crypts or niches.

1.4.19. "Monument" means a memorial consisting of granite, bronze, or marble bearing the name or names of an individual or family or families, consisting of a base and the upper portion or main section known as a die.

1.4.20. "Niche" means a space, 11.4" x 11.2" x 11.2", in a columbarium that is used or intended to be used for the interment of the cremated remains of one (1) or two (2) deceased persons in separate urns.

1.4.21. "Owner" means a person who has purchased from the City a grave space, lot, or niche in Oakland Cemetery for himself, herself or others and has received a document from the City validating the right of interment in Oakland Cemetery for himself, herself or others.

1.4.22. "Permit holder" means a cemetery company that holds a permit issued by the Arkansas Cemetery Board to own or operate a perpetual care cemetery.

1.4.23. "Permanent maintenance fee" means a fund required to be established and maintained by the owner and conducting business as perpetual care cemetery by A.C.A. §§20-17-1008(b)(3)(E), 20-17-1010(c)(1), 20-17-1011(a), 20-17-1013, 20-17-1014 and 20-17-1015 and to contribute twenty percent (20%) of the sale of a lot or grave space in its cemetery to the fund as required by A.C.A. §20-17-1016; and contribute five percent (5%) of the sale of a mausoleum crypt, Lawn crypt, niche or other similar entombment in its cemetery

1.4.24. "Perpetual care" means the cutting and raking of the grass upon such interment spaces at reasonable intervals, the raking and cleaning of the plots, the pruning of the shrubs and trees, the general preservation of the plots and the grounds, walks, roadways and boundaries so that such grounds shall remain and be reasonably cared for as cemetery grounds forever. When used in reference to a columbarium, perpetual care means repair necessitated by ordinary wear,

the cleaning and sweeping of the structure at reasonable intervals and the revision of locks and doors to prevent the entrance of unauthorized persons.

1.4.24.1. The term "perpetual care" shall not be construed as meaning:

1.4.24.1.1. The maintenance, repair or replacement of any memorials placed or erected upon burial spaces, lots or plots.

1.4.24.1.2. The planting of flowers or ornamental plants on burial spaces, lots or plots or the maintenance or doing of any special or unusual work in the cemetery or in a mausoleum or columbarium.

1.4.24.1.3. The reconstruction of any marble, granite, bronze or concrete work on any section or plot or any portion thereof in the cemetery and columbarium or other buildings or structures, caused by the elements, an act of nature, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or by the order of any military or civil authority, whether the damage shall be direct or collateral, except as specifically recommended by the Oakland Cemetery Commission and approved by the City Council.

1.4.25. "Perpetual care cemetery" means a cemetery for the benefit of which a permanent maintenance fund has been established in accordance with this A.C.A. §20-17-1001 *et seq.*

1.4.26. "Perpetual care fee" means a fee charged by the City to defray the costs associated with the continual maintenance of the cemetery ground and graves in keeping them in a properly maintained and in good order.

1.4.27. "Transfer" means to sell, donate, exchange, trade or convey a space.

1.4.28. "Urn" means a sealed rigid container made of a non-decomposable material designed for holding cremains.

SECTION 1.5 MANAGEMENT AND RESPONSIBILITIES. The Director of the Oakland Cemetery Commission shall manage and administer the day to day operations of Oakland Cemetery with the advice from Oakland Cemetery Commission. Oversight and final approval of the property and finances of Oakland Cemetery shall be by the City Council with the day to day management and administration of the funds generated, paid or donated to the City of Russellville for the maintenance and care of Oakland Cemetery to be handled by the City of Russellville Director of Finance Department under the provisions of this Code and state law.

SECTION 1.6 APPLICATION OF STATE LAW. All provisions of the laws regulating cemeteries of the State of Arkansas also apply to the cemetery. This includes, but is not limited to, Title 20, Chapter 17, Subchapter 10 of the Arkansas Code Annotated, 1997 as amended.

SECTION 1.7 RIGHT TO MAINTAIN. The City is responsible for the maintenance of the cemetery. The City reserves the right to enter upon any lot to perform all work necessary for

the maintenance of the cemetery. The City shall not be responsible for the repair or replacement of markers or memorial structures of any nature, unless the City caused the damage or destruction to the marker or memorial structure.

SECTION 1.8 **CEMETERIES COVERED.** All cemeteries owned or maintained by the City, or which may hereafter be acquired by the City, wherever situated, are hereby declared subject to the provisions of this Code and applicable state law.

SECTION 1.9 **PENALTIES.**

1.9.1. Any person violating the provisions of this Code shall be deemed guilty of a violation and upon conviction be fined a sum, up to, but not exceeding:

1.9.1.1 one thousand dollars (\$1,000.00) for the first offense;

1.9.1.2. two thousand dollars (\$2,000.00) for the second offense;

1.9.1.3. four thousand dollars (\$4,000.00) for each subsequent offense after the second offense;

1.9.1.4. plus court costs and applicable fees.

1.9.2 If it is found that any violation of this Code is found to be continuous in respect to time, the fine or penalty for allowing the continuous thereof, in violation of this Code, shall not exceed five hundred dollars (\$500.00) for each day that it is unlawfully continued, plus court costs and applicable fees.

1.9.3. A violation may be sentenced as either a criminal violation or a civil violation.

SECTION 1.10 **SEVERABILITY.** It is declared to be the intent of the City that if any section, subsection, clause, sentence, phrase, or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION 1.11 **REPEALER.** Any ordinance or part of an ordinance in conflict with this Code is hereby repealed.

ARTICLE II ESTABLISHMENT OF OAKLAND CEMETERY COMMISSION

SECTION 2.1 ESTABLISHMENT OF OAKLAND CEMETERY COMMISSION.

There is hereby established a commission consisting of five (5) ~~ten (10)~~ members to be known as the Oakland Cemetery Commission.

SECTION 2.2 APPOINTMENT OF MEMBERS. The members of said Oakland Cemetery Commission shall be appointed as follows:

2.2.1. Five (5) ~~Six (6)~~ members to be appointed by the Mayor and confirmed by the governing body of the City of Russellville.

2.2.2. One (1) Council Member shall be assigned to the Commission as a voting member by the governing body ~~Two (2) members of the governing body to be delegated from the governing body.~~

2.2.3. Two (2) ex-officio members, without vote, may be appointed from funeral homes located in the city limits of the City of Russellville.

2.2.4. ~~The City of Russellville Human Resources Director, City Attorney, City Clerk, Finance Director and Mayor, if not chosen as a member of the Commission under subsection 2.2.2,~~ shall be advisory officers, without vote, to the Commission.

SECTION 2.3 COMPENSATION. All of the members of said Commission shall serve without compensation. Members may be reimbursed for reasonable expenses, including travel, lodging, and meal expenses incurred while on official business of the Commission if supported by paid receipts returned to the Finance Department, which has had prior approval by the City Council.

SECTION 2.4 TERMS. The terms of the members first appointed shall be determined by lot at the first meeting of the Commission with one member serving two years; two members serving three years; and two members serving four years. Terms of office thereafter shall be for four years. All vacancies shall be filled for the unexpired terms of the member whose position is vacant in the same manner as such member received the original appointment. All voting members shall reside within ~~thirty (30) miles of the city limit boundaries of the City of~~ Russellville

SECTION 2.5 ORGANIZATION OF COMMISSION. Immediately after appointment and qualification, or until their successors qualify, the Commission shall organize by election a chairman, vice-chairman, and a secretary who shall serve for one (1) year.

SECTION 2.6 MEETING. Regular meetings shall be held at least once a month at a regular date and time to be fixed by the members, and special meeting may be held upon the call of the chairman. Any three (3) members of the Commission may call a meeting after giving one (1) ~~two (2)~~ or more days' notice of such meeting to all members.

SECTION 2.7 **QUORUM**. Three (3) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time. Passage of any motion shall be by the number of voting members present and voting.

SECTION 2.8 **LAPSE OF MEMBERSHIP**. After a member of the Commission fails to attend three (3) consecutive meetings, unless excused by the vote of said Commission, their membership shall automatically terminate, and their successor shall be appointed in the same manner as their predecessor. A member of the Commission may be removed from office by a two-thirds (2/3) vote of the City Council.

SECTION 2.9 **POWERS AND DUTIES**. The Commission shall have the following powers and duties:

2.9.1. Act in an advisory capacity to the City Council in promoting and aiding the development, maintenance and improvement of Oakland Cemetery.

2.9.2. At the request of the City Council, recommend to the Council the names of candidates who are qualified in the administration of public cemeteries for appointment by the Council to the Oakland Cemetery Commission.

2.9.3. Act in an advisory capacity to the City Council and to the Director of Oakland Cemetery Commission in the planning, maintaining, developing and operation of all cemeteries owned, controlled, or leased by the City of Russellville.

2.9.4. Formulate and recommend to the City Council, general policies related to the purposes of the Commission; and adopt by-laws, rules and regulations, subject to the approval of the City Council, as the Commission may require facilitating the operation of an Oakland Cemetery Commission system.

2.9.5. At the request of the City Council, cause a budget to be prepared and submitted to the Council annually on or before December 1, providing for the costs of maintenance and operation of the Oakland Cemetery facility and programs for the ensuing year. The budget shall contain estimates and recommendations for such long term capital outlay projects as may be necessary to provide for an orderly development of Oakland Cemetery areas and facility.

2.9.6. Study and make recommendations on the acquisition and development of Oakland Cemetery and facilities, such as trees, benches, shrubs, monuments, arches, fences and other points of interest.

2.9.7. Interpret the function and operation of Oakland Cemetery services to public officials and to the general public to the end that the services receive adequate financial support from public and private sources.

2.9.8. Develop and maintain in an attractive and safe manner the Oakland Cemetery area and facilities of the City of Russellville.

SECTION 2.11. **EXPENDITURE OF FUNDS.**

2.11.1. The City Council may appropriate and expend funds from the city general fund or levy and collect a tax in the same manner as taxes are levied for other public purposes to operate a program; to acquire, develop, maintain and operate cemeteries and for the payment of salaries of persons employed for said work.

2.11.2. An Oakland Cemetery Commission Fund may be established as a depository for all monies received for Oakland Cemetery purposes from the procedures from all gifts, legacies or bequests and all monies derived by the City from fees for services administered by the City Council or under the management of the Director of Oakland Cemetery Commission.

SECTION 2.12. **DIRECTOR OF OAKLAND CEMETERY COMMISSION.**

2.12.1. The position of Director of Oakland Cemetery Commission is hereby established.

2.12.2. The Mayor shall appoint a Director of Oakland Cemetery Commission to administer Oakland Cemetery and programs and may request the Commission to recommend for this position one or more candidates to the City Council.

2.12.3. The Director of Oakland Cemetery Commission shall attend meetings of the Commission and shall make such reports to the Commission and to the City Council, as circumstances dictate.

2.12.4. The Director of Oakland Cemetery Commission, upon request, shall advise with city officials and community organizations in the City of Russellville concerning the expenditure of public funds for Oakland Cemetery Commission; acquisition, design and development of Oakland Cemetery and areas; and shall maintain effective and cooperative relations with officials of the county and special interest organizations.

2.12.5. The Director of Oakland Cemetery Commission shall:

2.12.5.1. With the approval of the City Council and in accordance with civil and/or city service procedures, employ required personnel, such as assistants, supervisors and leaders, maintenance and clerical personnel; and supervise them in the performance of their various duties.

2.12.5.2. Administer, operate and maintain existing Oakland Cemetery areas and facilities and plan for the acquisition, development and operation of proposed facilities in accordance with policies formulated by the Oakland Cemetery Commission and approved by the City Council.

2.12.5.3. Prepare an annual budget, with the advice of the Oakland Cemetery Commission and the Finance Director, for presentation to the City Council.

2.12.5.4. Inform the general public of the services and facilities being provided by the Oakland Cemetery Commission; address professional, civic and lay groups on Oakland

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Russellville City Attorney
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Sponsor: Cemetery Commission
OB#2

Cemetery subjects; solicit suggestions from the general public increasing the effectiveness of Oakland Cemetery; cooperate with governmental and voluntary organizations and agencies in the furtherance of problems; and provide, upon request, assistance of a technical nature to community agencies and organizations on problems related to Oakland Cemetery and programs.

ARTICLE III OPERATION AND MAINTENANCE OF OAKLAND CEMETERY

SECTION 3.1 GENERAL RULES AND REGULATIONS.

3.1.1. No signs, notices, or advertisements of any kind shall be allowed in the cemetery unless approved by the Director of the Oakland Cemetery Commission.

3.1.2. Vehicles driven within the cemetery must remain on designated driveways and shall not exceed fifteen (15) miles per hour.

3.1.3. Trespassing or loitering in the cemetery shall be prohibited. Persons shall not be allowed within the cemetery unless they are engaged in legitimate cemetery related activities such as funerals, visitation, maintenance, or research.

3.1.4. The cemetery will be open during daylight hours only. Notwithstanding the prior provision relating to daylight hours, persons are not allowed on the grounds of the cemetery prior to 6:00 A.M. or after 9:00 P.M.

3.1.5. The knocking down of headstones and monuments, except as needed for official cemetery business, is prohibited.

3.1.6. The throwing of rubbish/garbage/trash/recycling materials/yard waste onto the grounds of the cemetery is prohibited.

3.1.7. No fireworks are permitted to be discharged on the grounds of the cemetery.

3.1.8. The removal of flowers from burial sites, other than by official cemetery personnel, is prohibited.

SECTION 3.2 CARE, MAINTENANCE, IMPROVEMENTS, AND OPERATIONS.

3.2.1. The care and maintenance of the cemetery grounds shall be the responsibility of the City of Russellville. Said maintenance work shall be performed by City employees or contract labor (Contractor) acting under the supervision of the Director of the Oakland Cemetery Commission. Persons having purchased an interest in a grave space are encouraged to notify the appropriate employee of the Director of the Oakland Cemetery Commission before commencing maintenance work within the cemetery.

3.2.2. All improvements and alternations of any spaces in the cemetery shall be under the direction of and subject to written approval from the Director of the Oakland Cemetery Commission.

3.2.3. It shall be unlawful for any person or firm to build or construct a concrete or other permanent curb around any space or parcel of land in this cemetery. It shall be unlawful to raise or depress the surface of any grave space without written permission.

3.2.4. Persons desiring to plant or place flowers, trees, shrubs, or floral designs of any kind upon cemetery property should seek permission from the Director of the Oakland Cemetery

Commission. Any flower, shrub, tree, or floral design planted or placed on cemetery property without permission may be removed by cemetery maintenance personnel.

3.2.5. The planting of trees within the cemetery shall be discouraged because trees make maintenance within the cemetery more difficult. Memorials may be planted in areas designated by the City staff after payment of a fee as set by the Director of the Oakland Cemetery Commission.

3.2.6. Floral designs or other decorative pieces shall not be placed on any space unless placed in a holder that is an integral part of the grave marker or mounted on top of the grave marker.

3.2.6.1. An exception to Subsection 1.8.6. is that arrangements may be placed on a space at the time of the funeral as long as they are removed within ten (10) days.

3.2.6.2. Another exception to Subsection 1.8.6. is that arrangements may be placed on the gravesite within seven (7) days prior to Memorial Day or All Saints Day as long as the arrangements are removed within seven (7) days after the special days.

SECTION 3.3 MONUMENTS AND MARKERS REGULATIONS.

3.3.1. All monuments shall be placed on concrete bases so that they can be maintained in a level condition. Monuments shall not be installed until a permit is received from the Director of the Oakland Cemetery Commission.

3.3.2. Cleaning and arranging of monuments, head stones and markers shall be coordinated by the Director of the Oakland Cemetery Commission.

3.3.3. Every foundation for a monument or marker shall be at least as long and as wide as the stone resting upon it, and shall extend at least twenty-four (24) inches below the grade for the monument, and eighteen (18) inches for a marker.

3.3.4. When it is necessary to set either the monument or marker over a grave, the footing shall have sufficient overlap on each side of the grave to prevent settlement and tilting.

3.3.5. When the footing is extended more than four (4) inches out from the base stone it shall be so formed as to provide at least six (6) inches of cover of earth.

3.3.6. In all instances the top of the concrete footing should finish at least one and a half (1.5) inches below the grade to conceal the joint.

3.3.7. Footing shall be poured with three thousand (3,000) pounds per square inch (psi) or stronger concrete. The surface of the footing shall be level and have a smooth float finish.

3.3.8. Plans for footings of monuments exceeding four (4) feet in height shall be approved by the Director of the Oakland Cemetery Commission and City Engineer. Companies placing monuments are directed to call the Director of the Oakland Cemetery Commission and the City Engineer for their inspection and approval of footings for larger monuments before said large monuments are placed.

SECTION 3.4 OWNERSHIP OF LOTS AND INTERMENT.

3.4.1. Lots or grave spaces purchased within Oakland Cemetery are to be used for burial purposes and no other purpose, and shall be subject at all times to the rules and regulations of the City of Russellville for the policing, good order, and government of said cemetery. The rules and regulations relating to the cemetery may be amended from time to time upon recommendation of the Oakland Cemetery Commission and adopted by the City Council. Individuals purchasing lots/grave spaces within said cemetery acquire limited title to said property, subject to the rules and regulations adopted by the Russellville City Council.

3.4.2. Lots and grave spaces shall be defined by a map of the cemetery, maintained by the Director of the Oakland Cemetery Commission.

3.4.2.1. Traditional interment grave spaces measure five (5) feet in width and twelve and one-half (12½) feet in length.

3.4.2.2. Cremation spaces shall be two (2) feet by two (2) feet and located in areas designated by the cemetery map. Remains may be placed in an unoccupied interment/burial space at the request of the owner of said space.

3.4.3. The City Attorney shall, upon receipt of written request from the Director of the Oakland Cemetery Commission, prepare a deed of ownership for each interment/grave space purchased. The Director of the Oakland Cemetery Commission should ensure that a record of all purchased interment/grave spaces are maintained and that the ownership is recorded on the cemetery map. A copy of the deed shall be filed and recorded at the Pope County Circuit Clerk's Office.

3.4.4. The individual owning a grave space may sell their interest in said property by preparing a deed conveying said interest. Such conveyance deed shall be filed and recorded at the Pope County Circuit Clerk's Office and a copy shall be provided to the Director of Oakland Cemetery Commission.

3.4.5. No more than one body or the remains of one body shall be interred in one space. Exception to this is that remains of more than one person may be interred in a burial space that is located within a family plot.

3.4.6. All coffins buried in Oakland Cemetery shall be interred in an outer rigid container.

3.4.7. Upon notification of death and intent to inter a person's remains in Oakland Cemetery, the family of the deceased shall notify the designated employee in the Director of Oakland Cemetery Commission. Said employee shall prepare a permit which shall be issued when all of the necessary paperwork has been completed and all the necessary fees have been paid. The permit shall indicate the owner of the grave space, the name of the person to be interred, the grave number/legal description, the time and date of interment and fees paid. No burial will be allowed without a permit from the City.

3.4.8. No burials will be conducted on the following days:

- 3.4.8.1. New Year's Day;
- 3.4.8.2. Memorial Day;
- 3.4.8.3. July 4th;
- 3.4.8.4. Labor Day;
- 3.4.8.5. Thanksgiving Day;
- 3.4.8.6. Christmas Day;
- 3.4.8.7. All Sundays.

3.4.9. The permit shall not be issued for a burial within a grave space unless the person or persons desiring said interment presents a City Cemetery Deed for the space, or unless the City's records indicate that said space is owned by the deceased, or the person desiring interment.

3.4.10. No grave may be open to inter or disinter unless a permit has been issued by the Director of the Oakland Cemetery Commission. The opening of a grave space without a permit shall be a violation of this Ordinance. Persons guilty of any such violation shall be punished in accordance with the Section 1.9 of this Code.

3.4.11. No disinterment may be initiated without first obtaining a permit from the City. Said permit will not be issued without proof of a proper permit from the State regulatory authority.

ARTICLE IV FEES

SECTION 4.1 **PURCHASE PRICES AND FEES.** Upon recommendation by the Oakland Cemetery Commission, the governing body shall from time to time and by resolution, set the Fee Schedule for the various cemetery services. The Fee Schedule passed by the City Council shall remain in force until a new Fee Schedule is passed repealing the existing Fee Schedule.

SECTION 4.2 **DISPOSITION OF FEES.**

4.2.1. Twenty percent (20%) of the fees collected from the sale of lot or grave spaces shall be deposited in a trust and designated as the Permanent Maintenance Fund of Oakland Cemetery.

4.2.2 Eighty percent (80%) of the fees collected from the sale of lot or grave spaces shall be deposited in the Russellville Oakland Cemetery Fund (Fund 24).

4.2.3. Five percent (5%) of the fees collected from the sale of a mausoleum crypt, lawn crypt, niche or other similar entombment in Oakland Cemetery shall be deposited in the Permanent Maintenance Fund of Oakland Cemetery.

4.2.4. Ninety-five percent (95%) of the fees collected from the sale of a mausoleum crypt, lawn crypt, niche or other similar entombment in Oakland Cemetery shall be deposited in the Russellville Oakland Cemetery Fund (Fund 24).

4.2.5. Only the interest and income generated by the principle (corpus) of trust may be used for the maintenance and care of Oakland Cemetery. The principle of the trust shall not be used for the maintenance and care of Oakland Cemetery.

4.2.6. Russellville Oakland Cemetery Fund (Fund 24) shall be used for the operation and maintenance of Oakland Cemetery.

SECTION 4.3 **ACCOUNTING OF CEMETERY FUND.**

4.3.1. The Finance Department shall all maintain accounts and funds relating to Oakland Cemetery.

4.3.2. A monthly report shall be prepared by the Finance Department and provided to the Mayor, City Council, Oakland Cemetery Commission and the Oakland Cemetery Director.

SECTION 4.4 **DONATIONS TO CEMETERY.** Any donations to Oakland Cemetery shall be deposited in Russellville Oakland Cemetery Fund (Fund 24) unless the donation is specifically made to the Permanent Maintenance Fund of Oakland Cemetery.

SECTION 4.5 **CONTRACTOR'S FEE.**

4.5.1. A fee for the Contractor for services for Oakland Cemetery they perform shall be

charged in addition to the regular and cremation grave purchases made.

4.5.2. The cost of the Contractor fees charged shall be set by the Contractor's Fee Schedule for the following services:

- 4.5.2.1. The opening and closing of adult graves;
- 4.5.2.2. The opening and closing of infant graves;
- 4.5.2.3. The opening and closing of cremation graves;
- 4.5.2.4. The disinterment of remains;
- 4.5.2.5. The reinterment of remain; and,
- 4.5.2.6. The fill in of graves.

4.5.3. There shall also be an administration fee of 10% of the Contractor's Fee Schedule of the above listed services in Subsections 4.5.2.1 thru 4.5.2.5.

4.5.4. The City Council may approve of a request from the Contractor to adjust the Contractor's Fee Schedule after thirty (30) days written notice has been given to the City Council through the Cemetery Director and Finance Director of the proposed new Contractor's Fee Schedule.

4.5.5. The initial Contractor's Fee Schedule outlined 4.5 of this Code shall become on the effective date of this Code.

4.5.6. Any new proposed Contractor's Fee Schedule shall become effective the day after the approval by the City Council.

4.5.7. All fees contained in this Ordinance shall be paid to the City Department of Finance, including fees for the Contractor's services. Upon receipt of fees for the Contractor's services from the purchaser, the Department of Finance shall remit the amount of the fee the Contractor is due for the services procured by the purchaser from the Contractor's Fee Schedule.

SECTION 4.6 REMITTANCE OF ANNUAL REPORT TO THE STATE. The Director of the Finance Department shall submit the annual report to the Arkansas Cemetery Board within seventy-five (75) days after the end of each calendar year as required by A.C.A. §20-17-1023 along with the information and fee required by A.C.A. §20-17-1023.

SECTION 4.7 INSTALLMENT SALES CONTRACTS. Sales of grave spaces, cremation spaces or niches may be sold by installment sales contracts to potential owners provided they comply in collection of the costs and fees and other aspects to A.C.A. §20-17-1001 *et seq.*