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THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2108

AN ORDINANCE REGULATING AND GOVERNING  
ELMWOOD CEMETERY, THE GROUNDS THEREOF, THE  
OWNERS OF THE LOTS THEREIN, VISITORS THEREOF,  
THE ENCLOSING, ADORNING AND ERECTING OF  
MONUMENTS AND TOMBSTONES ON CEMETERY  
LOTS, AND IMPROVEMENTS ON THE GROUNDS OF  
THE CEMETERY, AND REPEALING ALL ORDINANCES  
OR PARTS THEREOF IN CONFLICT HEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY  
OF AUGUSTA, KANSAS:

Section 1. AMENDING CHAPTER XII, ARTICLE 5.

Chapter XII, Article 5 of the Code of the City of Augusta, Kansas is hereby  
amended to read as follows:

"ARTICLE 5. ELMWOOD CEMETERY

- 12-501. NAME OF CEMETERY. The cemetery heretofore acquired by the city and  
named "Elmwood Cemetery" shall be hereinafter referred to in this article as the  
cemetery. (Code 1975, 6-101; Code 1991, 11-501; Ord. 2108)
- 12-502. CITY MANAGER'S DUTIES; APPOINT SEXTON. The city manager may  
appoint a sexton and have duties as follows:  
(a) The city manager shall cause the cemetery rules and regulations as fixed by  
the governing body to be observed and fully complied with by his or her  
subordinates, visitors to the cemetery and owners of cemetery lots.  
(b) The city manager may appoint a suitable and competent person to act as  
sexton of the cemetery, and to have immediate care of cemetery grounds and lots.  
The city manager may also employ such other persons as may be necessary for the  
proper care, maintenance and operation of the cemetery. (Code 1975, 6-102; Code  
1991, 11-502; Ord. 2108)
- 12-503. SEXTON; DUTIES. The sexton shall have the custody and care of all personal  
property of the city in or about the cemetery. He or she shall cause all persons  
within the cemetery to observe the rules and regulations pertaining to conduct  
therein and the care and adornment of cemetery lots. He or she and/or any  
assistant(s) shall make such reports of any burials as may be required. (Code 1975,  
6-103; Code 1991, 11-503; Ord. 2108)

12-504. PLAT. The plat of Elmwood Cemetery shall be kept on file in the office of the city clerk and the same is hereby accepted and approved. The sale price of all unsold lots or parts thereof as the same shall be fixed by the governing body shall be plainly marked on the plat and the same shall at all times during office hours be subject to inspection by the public upon request therefore. (Code 1975, 6-201; Code 1991, 11-505; Ord. 2108)

12-505. SECTIONS. Elmwood Cemetery shall hereinafter be divided into two sections referred to as the "old" and "new" sections. The old section refers to the area south of the drainage channel that is accessible from the Ohio Street entrance. The new section refers to the area north of the drainage channel that is accessible from the 12<sup>th</sup> Avenue entrance. (Ord. 2108)

12-506. DEFINITION OF CEMETERY LOTS AND BURIAL SPACES.

(a) A cemetery lot shall consist of a grouping of five (5) consecutive burial spaces in the new section and a grouping of six (6) consecutive burial spaces in the old section.

(b) An adult burial space shall consist of a land area four (4) feet wide by nine (9) feet in length in the new section, and three feet ten inches wide by nine (9) feet in length in the old section. (Ord. 2108)

12-507. RULES AND REGULATIONS ADOPTED. The rules and regulations hereinafter set forth are hereby adopted and established as the rules regulating and governing the cemetery (including both the old and the new sections), the grounds thereof, the owners of the lots therein, visitors thereof, the enclosing, adorning and erecting of monuments and tombstones on cemetery lots, and improvements on the grounds of the cemetery. (Code 1975, 6-202; Code 1991, 11-506; Ord. 2108)

12-508. LOTS HELD SUBJECT TO RULES. All lots in the cemetery and additions thereto shall be held in accordance with the laws of the State of Kansas and subject to the rules and regulations of the governing body herein set forth and as may hereafter be adopted by the governing body for the government and regulation of the cemetery and grounds thereof. Such lots shall not be used for any purpose other than as the burial place of the human dead. (Code 1975, 6-203; Code 1991, 11-507; Ord. 2108)

12-509. TRANSFER OF LOTS. Persons holding deeds for lots in the cemetery shall not allow interments on their lots for a remuneration or pecuniary consideration, nor shall any transfer of any lot or interest therein be valid without executing a written conveyance thereof on forms supplied by the city clerk, who shall enter the same on records of his or her office. (Code 1975, 6-105; Code 1991, 11-508; Ord. 2108)

12-510. BURIAL PERMITS. No interment or burial shall be made in the cemetery or any other cemetery grounds of the city without a burial permit therefore, issued by the local registrar of vital statistics as provided by law. The sexton shall not inter or permit the interment of any dead body unless it be accompanied by a permit as required by law. He or she shall make the return of such permit to the local registrar

and shall keep a cemetery record of all interments as required by law. (Code 1975, 6-206; Code 1991, 11-509; Ord. 2108)

- 12-511. **BURIAL.** When a lot is held jointly, a permit for interment may be granted to either owner of his or her heirs. One full burial, two cremations, or one full burial and one cremation may be made in each grave space. (Code 1975, 6-208; Code 1991, 11-510; Code 2010; Ord. 2108)
- 12-512. **SUPERVISION BY SEXTON.** All workmen employed by lot owners in the construction of structures, erection of monuments and in performance of all other work, shall be subject to the control of the sexton, and on refusal of such person or persons to be thus controlled, or comply with the rules, he, she or they so refusing or failing so to do shall not be permitted by the sexton to work within the grounds of the cemetery. (Code 1975, 6-209; Code 1991, 11-511; Ord. 2108)
- 12-513. **TREES, SHRUBS, FENCES.** No lot or parcel of ground in the cemetery shall be defined by any fence, railing, coping, embankment or ditch. No trees, shrubbery or plants shall be planted or permitted to grow upon any lots in the cemetery, and no structure, rock work or other structural object shall be permitted on any lot or parcel of ground in the cemetery, except as authorized and approved by the city manager. Existing trees, shrubs, plants, and structural objects in the new section shall be removed. Existing trees, shrubs, plants, and structural objects in the old section will be grandfathered and permitted to remain if they do not interfere with maintenance operations, however, all new plantings and structural objects are prohibited. In case of violation of this rule, the sexton under the direction of the city manager, shall have the right to enter upon the lot or ground and remove or cause to be removed the object(s) in violation. (Code 1975, 6-210; Code 1991, 11-512; Ord. 2108)
- 12-514. **MONUMENTS.** No monuments or other structures shall be placed upon any lot until a design of the same, with specifications, has been submitted to and accepted by the sexton, and the location thereof on the lot approved by him or her. Only one monument will be permitted on a platted lot, where full lots only are sold, or half lots, where lots are divided, placed at the head of the graves in line with the monuments on other neighboring lots. (Code 1975, 6-211; Code 1991, 11-513; Ord. 2108)
- 12-515. **MONUMENTS AND MARKERS.** Stones marking individual graves on lots where there is a large monument, must be made of marble, granite or some other permanent material approved by the sexton, and shall have the outer surface set in line with the markers on other graves and only one marker shall be permitted on any grave. (Code 1975, 6-212; Code 1991, 11-514; Ord. 2108)
- 12-516. **WOODEN MARKERS PROHIBITED.** Wooden markers of every description are prohibited. (Code 1975, 6-213; Code 1991, 11-515; Ord. 2108)
- 12-517. **MOUNDS.** Mounds over graves shall not exceed four inches in height when thoroughly settled. (Code 1975, 6-214; Code 1991, 11-516; Ord. 2108)

- 12-518.           **FOUNDATIONS.** All foundations of monuments, headstones, etc., placed in the cemetery shall be constructed in a substantial manner approved by the city under the direction and supervision of the sexton. (Code 1975, 6-215; Code 1991, 11-517; Ord. 2108)
- 12-519.           **ADVERTISING PROHIBITED.** No advertisement in any form will be permitted in the cemetery. (Code 1975, 6-216; Code 1991, 11-518; Ord. 2108)
- 12-520.           **PROCESSIONS.** On entering, and while within the cemetery, funeral processions will be entirely under the control and direction of the sexton or his or her assistant(s). Unless specifically authorized by the sexton or his or her assistant(s), it shall be unlawful to drive a motor vehicle within the cemetery except upon the streets or roadways therein. (Code 1975, 6-217; Code 1991, 11-519; Ord. 2108)
- 12-521.           **BURIAL ON SUNDAY PROHIBITED; EXCEPTIONS.** The city clerk shall issue no permit for a burial or interment in the cemetery or in the mausoleum to be held on the first day of the week commonly termed Sunday, except in cases of religious necessity or extreme hardship, and then only with the approval of the city manager. (Code 1975, 6-218; Code 1991, 11-520; Ord. 2108)
- 12-522.           **DEFACING IMPROVEMENTS.** Any person or persons digging, removing or carrying away any earth, sod, flower, shrub or ornament of any kind whatsoever from the cemetery or any cemetery over which the city has jurisdiction, without the consent of the sexton or any person who shall intentionally, carelessly, wantonly or maliciously deface, injure or destroy any monument, urn, ornament, tree, shrubbery or flower in any cemetery over which the city shall have jurisdiction shall be deemed guilty of a code violation. (Code 1975, 6-220; Code 1991, 11-521; Ord. 2108)
- 12-523.           **VEHICLES; SPEED LIMITS; FIREARMS; FIREWORKS; PROHIBITED.** All persons are hereby forbidden to ride or drive in the cemetery grounds or avenues thereof, faster than 15 miles per hour. No picnic or party with refreshments shall be permitted in the cemetery or on the grounds thereof. No person(s) with firearms or fireworks shall be permitted to enter the cemetery or the grounds thereof except that firing squads will be permitted in the cemetery on ceremonial functions. (Code 1975, 6-221; Code 1991, 11-522; Ord. 2108)
- 12-524.           **BURIAL.** The city manager is hereby authorized to contract for the opening of graves within the cemetery. All graves will be opened in accordance with specifications set by law and as directed by the sexton. Payment for the opening of any grave shall be paid to the city clerk prior to the grave being opened and the fee shall be credited to the general operating fund of the city and be used for the payment of the grave opening contract. (Code 1975, 6-222; Code 1991, 11-523; Ord. 2108)
- 12-525.           **MAINTENANCE; REGULAR CARE.** General maintenance of all lots in the municipal cemeteries, at no cost to the lot owners, shall be known as regular care and shall include the maintenance of a reasonable stand of grass, raking and cleaning, filling settled graves and reasonable attention to any planting thereon

which are in accordance with the rules and regulations governing the cemetery.  
(Code 1975, 6-223; Code 1991, 11-524; Ord. 2108)

- 12-526.           **MAINTENANCE; SPECIAL LOT CARE.** When a lot holder deems the regular care of a lot in the municipal cemeteries is not sufficient to gratify his or her wishes, he or she may order such improvements and care as he or she desires, so long as it conforms with the rules and regulations governing municipal cemeteries. Such care and improvements shall be known as special lot care and arrangements therefor shall be made by agreement with the sexton. Special fees paid therefor shall be paid to the city clerk and credited to the general operating fund of the city. (Code 1975, 6-225; Code 1991, 11-525; Ord. 2108)
- 12-527.           **TIMES AVAILABLE TO THE PUBLIC.** All areas under the ownership or control of the city used as a cemetery shall be opened to the general public for the hours of the day from dawn until dusk and no person shall be upon any of the premises included within such areas during the prohibited periods except in the lawful exercise of duties to be discharged on behalf of the city. (Code 1975, 6-226; Code 1991, 11-526; Ord. 2108)
- 12-528.           **PROHIBITED USES.** During the permitted hours as set forth in section 12-526 of this article, the cemetery properties shall be used only for the purposes of burial and matters in direct relation thereto and such areas shall not be used for any other purpose, including but not limited to recreational activities or any other group functions except gatherings for the purposes of memorials and other activities to pay respect to the dead. (Code 1975, 6-227; Code 1991, 11-527; Ord. 2108)
- 12-529.           **MAUSOLEUMS; RULES AND REGULATIONS ADOPTED.** The rules and regulations as hereinafter set forth are hereby adopted for the management, regulation and control of mausoleums in the cemetery. (Code 1975, 6-301; Code 1991, 11-528; Ord. 2108)
- 12-530.           **SAME; TRANSFER OF CRYPTS.** The crypts in the mausoleum shall only be transferred and conveyed in the same manner as cemetery lots are transferred and conveyed. (Code 1975, 6-302; Code 1991, 11-529; Ord. 2108)
- 12-531.           **SAME; RECORD.** The city clerk shall provide a record book in which shall be kept in a proper, accurate and definite form the names of all crypt owners, description of crypts, and upon which shall be entered from time to time any transfer or conveyance of such crypts, which shall include a description of the crypt or crypts, the names of the owner or owners, the date on which any certificate is surrendered for cancellation and the date, number of the new certificate issued, together with the name of the prior owner, the name of the new owner, and a description of the crypt or crypts so conveyed, together with the address of the new owner thereof. All certificates surrendered shall be stamped or marked canceled by the city clerk and preserved in the files of his or her office. (Code 1975, 6-303; Code 1991, 11-530; Ord. 2108)
- 12-532.           **SAME; EMBALMING.** All bodies must be properly embalmed before interment in any crypt. (Code 1975, 6-304; Code 1991, 11-531; Ord. 2108)

- 12-533. SAME; RIGHT TO INTER. Interment of any bodies is hereby prohibited except upon the written order from the owner or owners of the crypt or his, her or their proper representatives duly authorized in writing. (Code 1975, 6-305; Code 1991, 11-532; Ord. 2108)
- 12-534. SAME; CERTIFICATE OF DEATH. Proper certificates of death and burial permits must accompany all bodies before the interment takes place. (Code 1975, 6-306; Code 1991, 11-533; Ord. 2108)
- 12-535. SAME; OPENING AND CLOSING OF CRYPTS. All crypts will be opened and closed only by the sexton of the cemetery or authorized representatives. (Code 1975, 6-307; Code 1991, 11-534; Ord. 2108)
- 12-536. SAME; NUMBER OF BODIES. Not more than one body may be interred or deposited in any crypt except in the case of a mother and one or more infants born at the time of her death, which may be placed in the same casket; or where bodies are disinterred, and in that event not more than three may be placed in the same crypt. Before any such interment as in this regulation provided, the name or names of the bodies must be furnished in writing to the city clerk. (Code 1975, 6-308; Code 1991, 11-535; Ord. 2108)
- 12-537. SAME; FLOWERS. Flowers, wreaths or other designs will be removed by the sexton immediately following the funeral to prevent staining the marble and to keep the mausoleums in a sanitary condition. The family or relatives of the deceased may remove or arrange for the removal of the flowers immediately after the funeral if they so desire. (Code 1975, 6-309; Code 1991, 11-536; Ord. 2108)
- 12-538. SAME; VASES. All vases left in the mausoleums will be at the risk of the owner and may be removed in the discretion of the sexton. No person shall be permitted to place in or about the crypt or crypts any cans or any unsightly receptacles or anything unsightly before any crypt in the mausoleums. (Code 1976, 6-310; Code 1991, 11-537; Ord. 2108)
- 12-539. SAME; CHAIRS. Neither chairs nor settees shall be permitted or allowed in the corridors except during funeral services. (Code 1975, 6-311; Code 1991, 11-538; Ord. 2108)
- 12-540. SAME; TIMES AVAILABLE TO THE PUBLIC. All areas under the ownership or control of the city which are used as mausoleum shall be opened to the general public for the hours of the day from dawn until dusk and no person shall be upon any of the premises included within such areas during the prohibited periods except in the lawful exercise of duties to be discharged on behalf of the city. (Code 1975, 6-313; Code 1991, 11-539; Ord. 2108)
- 12-541. SAME; PROHIBITED USES. During the permitted hours, as set forth in section 12-539 of this article, the mausoleum properties shall be used only for the purposes of burial and matters in direct relation thereto and such areas shall not be used for any other purpose, including but not limited to recreational activities or any other group functions except gatherings for the purposes of memorials and other

activities to pay respect to the dead. (Code 1975, 6-314; Code 1991, 11- 540; Ord. 2108)

- 12-542. **PRICE OF GRAVE SPACES.** Grave spaces for burial located in the Augusta Cemetery and all additions and extensions thereto shall be sold for such prices as may, from time to time, be established by Resolution of the Governing Body of the City of Augusta, Kansas. Grave spaces may be sold individually or in such numbers as are available collectively. (Ord. 1827, Sec. 1; Code 2010; Ord. 2108)
- 12-543. **DISBURSEMENT OF FUNDS.** All funds derived from the sale of grave spaces in the City Cemetery of the City of Augusta, Kansas which exceed the sum of \$100.00 shall be placed in the Endowment Fund for the City Cemetery. The remaining sum shall be placed in the general operating fund of the City for use in the maintenance and upkeep of the City Cemetery and its additions and extensions. (Ord. 1827, Sec. 2; Code 2010; Ord. 2108)
- 12-544. **FEES FOR OPENING AND CLOSING GRAVES.** The charges and fees for opening and closing a grave site, shall be established, from time to time, by Resolution of the Governing Body of the City of Augusta, Kansas. (Ord. 1827, Sec. 3; Code 2010; Ord. 2108)
- 12-545. **REQUIREMENTS FOR VAULTS OR CASKETS.** No burial shall be performed in the City Cemetery of the City of Augusta, Kansas with a wooden vault or casket enclosure or any enclosure of any material which is likely to deteriorate or cause the grave to collapse. (Ord. 1827, Sec. 4; Code 2010; Ord. 2108)
- 12-546. **DECORATIONS AND ADORNMENTS.** The city is not liable for any items placed on graves. The city shall not be held liable for any disposed item or return of any temporary or permanent decorations or trees that were installed. Plantings may be removed without notice by cemetery staff when they become unsightly, undesirable, or interfere with cemetery maintenance. Any items removed for noncompliance with cemetery rules and regulations will not be replaced and will be removed without notice. (Ord. 2108)
- 12-547. **SAME; PLACEMENT.** During the growing season (March 1<sup>st</sup> through November 15<sup>th</sup>), no decorations of any kind shall be placed in the grass, except permissible decorations that are allowed for temporary markers and during the Memorial Day holiday; decorations and other adornments placed on the monument base or concrete pad foundation will be permitted throughout the year. (Ord. 2108)
- 12-548. **SAME; FLOWERS.** Fresh cut flowers may be placed on or adjacent to graves at any time. Artificial flowers, not in a permanent floral container, may be placed on or adjacent to graves only during the period from November 15<sup>th</sup> to the following March 1<sup>st</sup> and for a period of three (3) days prior to any Memorial Day and including fourteen (14) days following such Memorial Day. March 1<sup>st</sup> to November 15<sup>th</sup> is mowing season and any grave left unattended for a period of thirty (30) days will be maintained to cemetery specifications. At other times artificial flowers may be placed on and adjacent to graves if placed in an approved permanent floral display container. The sexton shall be authorized to cause removal and disposal of items not previously permitted or in conformity herewith and is further authorized to cause

the removal and disposal of any wilted cut flowers and any artificial flowers which have become broken, faded or otherwise dilapidated in order to prevent the littering of the cemetery grounds. (Ord. 1827, Sec. 5; Code 2010; Ord. 2108)

- 12-549. SAME; PROHIBITED ITEMS. No glass object of any nature shall be placed on graves at any time. Containers of cereal malt or alcoholic beverage, any obscene items or words, weapons of any type, or any illegal substances or paraphernalia are also prohibited. (Ord. 2108)
- 12-550. SAME; HANGING PLANTS AND SHEPHERD HOOKS. Hanging plants and other decorations may be displayed on a "shepherd's hook" placed directly next to (touching) the monument foundation with the hook hanging over the foundation. All shepherd's hooks shall have a dual prong base for mounting in dirt to prevent the hook from spinning; permanent mountings in a stand-alone concrete base are not permissible and shall be removed. Shepherd's hooks shall not be more than four (4) feet in height from ground level, shall be perpendicular to the ground, and be fully upright at all times. Only one (1) hook shall be permitted for each grave space and shall be installed so as not to interfere with maintenance activities. (Ord. 2108)
- 12-551. SAME; OFFICIAL MEDALLIONS AND FLAG HOLDERS. Official metallic/plastic tablets, medallions, or flag holders of veterans organizations, their auxiliaries, non-organizational veterans, lodges, emergency services, and other organizations with restricted membership, provided the tablet, medallion, or flag holder is installed within two (2) inches of the monument foundation, will be permitted upon a grave. (Ord. 2108)
- 12-552. SAME; TEMPORARY MARKERS. Items placed on a grave prior to the placement of a monument or headstone will be permitted for a period not to exceed twelve (12) months following the date of burial or until a monument or headstone is in place, whichever is sooner. If not removed by that time, the city will remove all items that have not been placed on a concrete pad foundation. (Ord. 2108)
- 12-553. STONES, MARKERS, FLORAL DISPLAY FIXTURES AND CONTAINERS. Owners of lots and grave spaces may at their own expense, erect grave markers, stones, monuments and permanent floral display fixtures, containers or urns provided such are set in a foundation or footing of concrete in a good workmanlike manner, so as to assure permanence of location and position. Monuments commonly known as Above Ground Vaults are strictly prohibited. Terrazzos and full space grave markers are prohibited from being placed in the cemetery except within cemetery lots where such markers already exist. Further such owner, heirs and assigns, shall maintain the same in good repair at their own expense. Further the same shall not be offensive in nature or such that would detract from the dignity of a place of burial or as would constitute a hazard to cemetery personnel or the public. In the event such items fall into disrepair or become damaged beyond repair the sexton shall be authorized to cause their removal. Such removal shall be the responsibility of the owner within ten (10) days after notification by the sexton. If, however, the sexton is unable to locate the owner or the owner fails to respond to such notice the sexton may proceed with such removal. (Ord. 1827, Sec. 6; Code 2010; Ord. 2108)



- 12-554.           **CHARGES FOR SEALING CRYPT.** The charges and fees for sealing a crypt shall be established by Resolution of the Governing Body of the City of Augusta, Kansas. (Ord. 1827, Sec. 7; Code 2010; Ord. 2108)
- 12-555.           **MONUMENT PERMIT.** Monument Permits shall be issued by the City Clerk for the setting, placing or installing of any monument, headstone or other approved marker. The charges and fees for issuing a Monument License and the penalty for violating this section shall be established by Resolution of the Governing Body of the City of Augusta, Kansas. (Ord. 1827, Sec. 8; Code 2010; Ord. 2108)
- 12-556.           **ACTS PROHIBITED.** No headstones, monuments or other markers of any type or nature shall be set, placed or installed upon any grave in the cemetery of the city without having first obtained a permit. (Ord. 1307, Sec. 1; Code 1991, 11-558; Ord. 2108)
- 12-557.           **PERMITS.** Permits shall be issued by the city clerk of the setting, placing or installing of any monument, headstone or other marker by a fee established by Resolution of the Governing Body of the City of Augusta, Kansas. (Ord. 1307, Sec. 2; Code 1991, 11-559; Code 2010; Ord. 2108)
- 12-558.           **CONDITION PRECEDENT TO ISSUANCE OF A PERMIT.** Any person applying for a permit, as herein provided, shall indicate the type of material to be used and method of installation, placing or setting of such monument, headstone or other marker which shall be in writing and delivered to the city clerk. Such permit shall not be issued unless the method set forth in the application shall comply with the rules and regulations of the city to be promulgated by the city manager. If the method to be used shall be acceptable, then such permit shall be issued forthwith. (Ord. 1307, Sec. 3; Code 1991, 11-560; Ord. 2108)
- 12-559.           **INSPECTING AND COMPLIANCE WITH APPLICATION.** During the installation, setting or placing of such monument, headstone or other marker the same shall be subject to inspection by the sexton of the city and the sexton shall have the right to require compliance with the method outlined in the application. (Ord. 1307, Sec. 4; Code 1991, 11-561; Ord. 2108)
- 12-560.           **REMOVAL OF HEADSTONE, MONUMENT OR OTHER MARKER.** In the event that the headstone, monument or other marker is not placed, set or installed in compliance with the approved permit, then the city shall notify the person procuring the permit and the owner(s) of the lot or parcel of ground upon which the headstone, monument or other marker was placed, set or installed to have the same reinstalled, reset or replaced. If not brought into compliance within 30 days, the city shall have the right to remove such marker, headstone or monument and dispose of it without liability unto the permittee or the owner(s) of the lot or parcel of ground upon which the headstone, monument or other marker was placed, set or installed. (Ord. 1307, Sec. 5; Code 1991, 11-562; Ord. 2108)
- 12-561.           **ENDOWMENT FUND; CREATION.** There shall be established a cemetery endowment fund for the purpose of caring for the Elmwood Cemetery which shall be held by the city clerk. (Ord. 1398, Sec. 1; Code 1991, 11-563; Ord. 2108)

- 12-562. SAME; CONTRIBUTIONS. The source of funds for the cemetery endowment fund shall be voluntary contributions from any person, proceeds from the sale of grave spaces and burial permits and the city clerk shall be authorized to receive such monies and place the same in the fund to be administered by law. (Ord.1398, Sec. 2; Code 1991, 11-564; Ord. 2108)
- 12-563. SAME; INVESTMENT. All monies coming into the endowment fund shall be invested as provided in K.S.A. 12-1410 and amendments thereto. The investments to be made, within the limits aforesaid, shall be determined by a committee composed of the mayor, city manager and city clerk. (Ord. 1398, Sec. 3; Code 1991, 11-565; Ord. 2108)
- 12-564. SAME; BOND OF CITY CLERK. The city clerk shall include in his or her bond for faithful performance double the amount of the endowment fund on hand when he or she shall take his or her official oath of office and such bond may be combined with any other bond given by the city clerk or may be a bond for the purpose of the endowment fund singly. (Ord. 1398, Sec. 5; Code 1991, 11-566; Ord. 2108)"

Section 2. Repeal

All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.


Passed by the City Council this 19th day of December, 2016.

Approved by the Mayor this 19th day of December, 2016.

  
 \_\_\_\_\_  
 MAYOR, MATT C. CHILDERS

SEAL

ATTEST:

  
 \_\_\_\_\_  
 CITY CLERK, ERICA JONES