

ORDINANCE 2024-9-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BORDEN ESTABLISHING FEES AND POLICIES PERTAINING TO WALNUT HILLS CEMETERY

WHEREAS, The Town of Borden, Indiana ("Town") is a duly formed municipal corporation within the State of Indiana, and

WHEREAS, the Town Council of the Town ("Council") is the legislative and fiscal body of the Town, and

WHEREAS the Town is the owner of a public cemetery commonly called Walnut Hills Cemetery ("Cemetery"), which is located at 429 McKinley Drive, Borden, Indiana, 47106, the ("Cemetery"); and

WHEREAS, the Cemetery is located within the corporate boundaries of the Town, and

WHEREAS, Indiana Code § 23-14-65-6 gives the legislative body of a Town the authority to exercise control and management of a cemetery that is owned by the municipality and located within five (5) miles of the municipality, including the power to regulate the interment of bodies and collection, preservation, and payment of all money, funds, securities, obligations, and property of any kind related to cemetery purposes, and

NOW, THEREFORE, it is hereby ordained by the Town Council of the Town of Borden, Indiana as follows:

ARTICLE I. OPERATION

- (A) OPENING AND CLOSING OF GRAVES: All full-size graves for the interment of human remains shall be opened and closed only by person authorized by the Town and/or Cemetery. The authorized representative of the Town and Cemetery may grant approval for such excavation if he/she is satisfied that such charges for opening and closing of grave will be promptly paid to the authorized person within a reasonable time after the graves opening. The size of graves shall be forty-two (42") inches x one hundred twenty (120") inches in plot number five (5) of the Cemetery, which is the current section of the Cemetery with gravesites remaining available.
- (B) CARE OF CEMETERY: The Town shall provide for maintenance of the Cemetery, including cutting grass, removing noxious growths, and removing rubbish and litter.
- (C) CEMETERY RECORD: The Town representative of Cemetery shall input necessary information into the approved cemetery data program of all cemetery plots owned or committed to the control of the Town and shall make and enter therein all credits for the maintenance thereof.

- (D) FORMULATING RULES AND REGULATIONS: The Council in conjunction with the Cemetery's appointed representative is hereby authorized from time to time to adopt rules and regulations for the control and management of all public cemeteries belonging to the Town. Such rules and regulations, which so adopted and posted in a plain, legible, and conspicuous manner at the entrance of Cemetery, shall be binding and effective on all persons affected.
- (E) DEFACING CEMETERIES: It shall be unlawful for any person to wantonly, carelessly, or maliciously alter, deface, break down, or destroy, or in any other way deface any vault, monument, gravestone, marker, coping, or post thereof, erected or maintained around any lots or graves of deceased person in any public or private cemetery or burial grounds in said Town or shall in like manner remove or injure any tree, shrub, plant, floral decorations or sodding in such cemetery or burial grounds
- (F) PLACING OF MONUMENTS: Monuments must be placed on foundations substantial enough to carry the weight of the stone. The Town or representative of Cemetery shall not be responsible for the foundation or stone after placement. The monument/headstone shall be installed in a timely manner and within 365 days of date of burial of interned.
- (G) BURIAL VAULTS: Per Ordinance 84-5-21, adopted on the fourth day of June 1984, Section 1. All graves, except those graves paid for by a County or State Welfare department, must have a vault, made of a non-decomposing material as an outer container, for the purpose of preventing the grave from settling.
 - a. Section 2. Furthermore, graves that are to be used for the burial of infants shall not be subjected to the terms of this Ordinance.
- (H) BURIAL RESTRICTIONS: Burials shall be restricted to human remains only. The number of burials that shall be allowed on one gravesite shall be limited to one of the following choices: (1) one full interment; (2) one full interment and two cremations; (3) one full interment and two babies; (4) one full interment, one baby and one cremation; or (5) four cremations.
- (I) CEMETERY HOURS: Cemetery hours will be from sunrise to sunset.
- (J) FLOWERS: All flowers will be removed from new graves after seven (7) days from the date of burial unless the owner or person in charge of the grave notifies the Cemetery representative.

ARTICLE II. FEES

- (A) COST OF GRAVE SPACE: The cost of each grave space in Cemetery shall be five hundred dollars (\$500.00). Pursuant to Ordinance 2024-6-11C, passed and adopted by the Council on June 11, 2024:
 - a. It shall be the duty of the Clerk-Treasurer to receive all money collected for grave space sold in Walnut Hills Cemetery and funds shall be credited to cemetery account.
 - i. Twenty percent (20%) of the purchase price of each grave space shall be used exclusively for the perpetual care of the grave space, and such sum shall be deposited in the cemetery care fund.
- (B) OPENING AND CLOSING GRAVES: The function of opening and closing of all graves is the responsibility of a third party designated by the Town. Fees for services are determined by the third party and available upon request from Cemetery representative. The Town's Cemetery representative will assist in arranging the opening and closing of graves if necessary.

ARTICLE III. GENERAL RULES AND REGULATIONS

- (A) CEMETERY RULES: Permitted: Windmills, toy statues, flags, windsocks, flag and windsock poles, shepherd hooks, vases, artificial flowers, and solar lights. All items must be well maintained, and not infringe on other visitors' rights to enjoy the cemetery, and not create a safety hazard. If items are not maintained, infringe on visitors, or are a safety hazard, they will be removed and discarded. It is recommended that all decorations and flowers be placed on the monument or monument foundation. If it is not possible to place the decorations and flowers on the monument or monument foundation, then they must be placed against the monument foundation to not create a maintenance problem.

On the designated holidays of Easter, Mother's Day, Memorial Day, Father's Day, and Veterans Day, real or artificial flowers are permitted beginning on the Friday before the holiday until one week after the holiday. If décor is not removed from the Cemetery by the loved ones of deceased by such time, it will be removed and disposed of by the Town's appointed Cemetery representative.

Planting trees or shrubs in burial spaces of Cemetery is prohibited.

- (B) MONUMENT GUIDELINES: Single burial lot monument length is not to exceed thirty-six inches (36"). Double burial lot monument length is not to exceed fifty-four inches (54").

All monuments are the property of the burial plot family and neither the Town nor the Cemetery assumes any responsibility for the upkeep of said monument.

ARTICLE IV. MISCELLANEOUS PROVISIONS

- (A) Severability: If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance. The remaining portions of this Ordinance shall remain in full force and effect.


(B) Violations of Ordinance: Any person that violates any provision of this Ordinance will be charged a fine of fifty dollars (\$50.00) a day for each violation of this Ordinance. It is within the discretion of the Town whether to bring a civil action in the courts of Clark County, Indiana or otherwise to collect such amounts due under this Ordinance.

(C) Conflict: To the extent any Town ordinances or resolutions conflict with this Ordinance, the provisions contained within this Ordinance shall control and supersede those provisions.

(D) Effective Date: This Ordinance shall be effective from and after its passage, approval, and any publication required by law

Adopted by the Town Council of the Town of Borden, Indiana this 10 day of September, 2024.

Town Council Members:



Steve Williams

LeAnn McClure

Rudy Cook

ATTEST:



Faith Sauber, Clerk-Treasurer