

ORDINANCE NO. 4-2018

**AN ORDINANCE FURTHER AMENDING THE
CEMETERY ORDINANCE
CHAPTERS 106.13 and 106.21 OF THE BREMEN
TOWN CODE AMENDING RATES AND FEES**

WHEREAS, the Town of Bremen, by its Town Council, previously enacted a Chapter in the Bremen Town Code regulating the Bremen Cemetery; and

WHEREAS, the Town Council has determined that in order to maintain sufficient funds to meet all obligations and make improvements and repairs, it is necessary to increase certain rates and charges for the use of the Bremen Cemetery facilities.

WHEREAS, the Town Council of the Town of Bremen has determined that an increase in rates and charges would be in the best interest of the Town of Bremen.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Bremen, Marshall County, State of Indiana:

Section 1. That Chapter 106.13 and 106.21 be and hereby is amended as follows:
See SCHEDULE "A" attached.

Section 2. That in all other respects the Town Code shall remain in full force and effect.

Section 3. That this Ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed by the Town Council of the Town of Bremen, Marshall County, Indiana, on the
9th day of APRIL 2018.

**TOWN COUNCIL
TOWN OF BREMEN, INDIANA**

ABSENT

Michael Leman, President

James Leeper, Member

Rick Graverson, Member

William Dally, Member

ATTEST:

Janet M. Anglemyer, Clerk-Treasurer

CHAPTER 106 - CEMETERIES

- 106.01 Creation of Cemetery Board. There is hereby created a Board for the Bremen Cemetery which shall be known as the "Bremen Cemetery Board".
- 106.02 Board - Number of Members and Qualifications. The said Cemetery Board shall consist of three (3) members appointed by the Bremen Town Council from lot owners of said cemetery residing in the Town of Bremen, State of Indiana, provided that the Clerk-Treasurer of said Town shall be one of the members of said Board by virtue of his office regardless of whether or not he possesses the other qualifications hereinbefore set forth.
- 106.03 Board - Officers. The officers of the said Cemetery Board shall consist of a Chairman, Vice-Chairman, and a Secretary Treasurer, provided, however, that the Office of Secretary-Treasurer shall be held by one person and the same shall be held by the Clerk-Treasurer of the Town of Bremen.
- 106.04 Board - Duties. The duties of the said Cemetery Board shall be the control and management of the affairs of the Bremen Cemetery, subject to the directives of the Bremen Town Council from time to time given to said Cemetery Board and consistent with the rules, regulations, ordinances and resolutions of said Town applicable to the control and management and operation of the Bremen Cemetery.

The duties of the officers of the Board shall be as follows:

The Chairman shall preside at all meetings of the Cemetery Board and conduct all proceedings before the said Board, and execute with the Secretary-Treasurer for said Town, deeds of conveyance to cemetery real estate.

The Vice-Chairman shall, in the absence of the Chairman, assume all of the duties of the Chairman.

The Secretary-Treasurer shall prepare and submit to the Town Council of said Town all reports required by said Town Council of said Town, shall pass on the approval of all applications for burial permits, (See Opening Grave of:), and issue said permits on behalf of the Town, shall with the Chairman for said Town execute deeds of conveyance to cemetery real estate, shall receive and accept, for said Town, all payments respecting said cemetery matters, shall keep and maintain accounts and records as from time to time required by the Town Council of said Town, and the State of Indiana respecting Town Cemeteries, shall keep and maintain a plat of said Bremen Cemetery and record all burial permits, and shall keep and maintain a record of the names and addresses of all persons to whom burial permits have been issued and to whom deeds of conveyance or transfers of such deeds have been made, and shall perform such other duties as may from time to time be assigned or delegated to such Secretary-Treasurer by the Town Council of such Town respecting cemetery matters.

- 106.05 Meetings. The Cemetery Board shall hold meetings from time to time throughout the year whenever it is deemed necessary to conduct the business of the cemetery.
- 106.06 Reports. The Cemetery Board shall require the cemetery superintendent to prepare an annual report concerning the activities and business of the cemetery to be submitted to the Bremen Town Council as soon as possible after the last Town Council meeting of the year.

- 106.07 Board - Compensation. The Bremen Cemetery Board shall receive no compensation for their service on the Cemetery Board.
- 106.08 Perpetual Care. There is hereby created, ratified and confirmed a permanent maintenance cemetery fund or perpetual care fund for the Bremen Cemetery which fund shall be maintained and kept as a separate fund. Any part of the proceeds, not exceeding seventy-five percent (75%) thereof, derived from the sale of cemetery property within said cemetery may be set aside to be and to constitute the permanent maintenance or perpetual care fund, the income from which shall be added to and become a part of said fund until such time as the revenue from the sale of cemetery property and other income from such cemetery shall cease to be sufficient to meet the expenses of the maintenance, care and upkeep of such cemetery, after which the income derived from such fund and its accretions shall be used in whole or in part, as the needs of the cemetery may require, and to appropriation by the Town Council of said Town as other funds are appropriated. The Town Council of said Town shall from time to time by Council action establish the limitations with respect to the sale of real estate within said cemetery and the sale price thereof and the percent of monies to be set over to said permanent maintenance cemetery fund or perpetual care fund, provided, that until changed by said Council, all lots sold in said cemetery shall contain the restrictions on use as hereinafter set forth.
- 106.09 Cemetery Area. The Bremen Cemetery is known and consists of the Old Cemetery, Yockey's Addition, Vollmer and Sauer's First Addition, Vollmer and Sauer's Second Addition, Balsley's Addition, Balsley's Second Addition, Meyers Addition, Chapel View Addition, Cox Addition, Bowen Addition and Keyser Addition. The complete legal description and platting of which is on record in the Office of the Clerk-Treasurer of the Town of Bremen.
- 106.10 Bremen Cemetery Restrictions. Each lot or part thereof in the Bremen Cemetery shall be, and hereby is, subject to the following conditions and limitations and with the privileges specified as follows to-wit:
1. Before any foundations are constructed for monuments and markers, the contractor constructing the foundation shall first submit a foundation plan to the cemetery sexton for approval.
 2. All monument foundations shall be constructed of concrete and shall extend a minimum of thirty (30) inches below grade. All four sides shall be straight and vertical. Aprons shall be flush with the ground and normally extend four (4) inches from the outside of the nearest portion of the monument erected above the ground unless otherwise directed by the cemetery sexton to change the width to other than four (4) inches.
 3. All monument foundations shall be constructed of concrete and shall extend a minimum of twenty (20) inches below and flush with the grade. All four sides shall be straight and vertical.
 4. All monuments shall be placed with the front side thereof flush with the West lot line of any grave and flush with the ground and there shall not be more than one marker on each grave. The term "monument" as used herein shall be deemed to mean any head or grave identification of bronze, granite, marble, stone and the like. Any other man-made object placed on a grave or lot shall be construed to be a marker.
 5. Not more than one monument or one pondering bench shall be permitted on any

one grave, such monument shall be placed either flush with the West lot line of any such lot and shall be erected only upon a concrete foundation and apron.

6. Not more than two inverted type, permanent flower vases may be set next to a marker or a monument and when the flowers have withered or become stale, the same may be removed by the proper cemetery authority and the cover on the inverted type flower vase may be put on, which cover shall stand flush with the ground.
7. No markers, concrete aprons, flower vases, monuments or planting of any nature whatsoever shall be set or installed until the approval of the proper cemetery authority has been given consistent with the terms hereof.
8. The grantor hereby expressly agrees to keep and maintain a complete permanent record of the title to all graves and lots in said cemetery and the grantor covenants that said real estate is free and clear of all liens and encumbrances.
9. The above named grantees, their heirs, successors, and assigns are hereby given a perpetual right to the free use of the passageways of the entire cemetery together with the right to use the other facilities that are now or may hereafter be erected in said cemetery for use by the owners of real estate within said cemetery or the general public, provided that any user thereof shall so do as not to interfere with the rights of other owners of real estate therein and consistent with the rules and regulations now or hereafter adopted respecting the maintenance, operation and control of said cemetery.
10. Burial of any animals shall not be allowed in the Bremen Cemetery.
11. No more than two cremation burials shall be allowed on any single grave. If two (2) cremains should be buried at the same time only one (1) opening and closing charge will be assessed.

It is understood and agreed that each of the foregoing conditions, limitations, and provisions constitute a covenant running with the land and shall be binding upon each direct or subsequent purchaser by the within procedure and a breach by such

purchasers or grantees shall entitle the grantor, its successors or assigns to the possession of said real estate herein conveyed and it is hereby expressly agreed that as a part of the consideration for the above purchase of said real estate all other real estate in said cemetery shall be sold and transferred under the same provisions and conditions as herein set out.

- 106.11 Sale of Cemetery Real Estate. Any person purchasing any real estate in the Bremen Cemetery shall be given a deed to said real estate executed on behalf of the Town by the Bremen Cemetery Board President and Bremen Cemetery Board Secretary. Such deed shall contain all of the above set forth conditions, restrictions, privileges and limitations, numbered one (1) through fifteen (15).

106.12 Bequests and Donations. Any gifts, donations, bequests or devises of money or property, real or personal, for the use of the Bremen Cemetery may be received and accepted for and on behalf of said cemetery by the Town Council of said Town, and any such so received and accepted or any interest or income derived there from shall be used in the same manner as proceeds from the sale of burial permits and lots as hereinbefore set forth; provided, however, that any such gifts, donations, bequests or devises of money or property, real or personal, received and accepted for the use of a particular lot or plat of real estate in said cemetery, shall be used for the care and maintenance of such particular lot or real estate and for no other purpose.

106.13 <u>Grave Fees.</u>	Price
<u>Grave (Full Size)</u>	\$400
<u>Infant Grave</u>	\$60

Grave Opening
RESIDENTS OF BREMEN AND PROPERTY TAX PAYER**

Monday-Friday	\$400
Saturday 9am-12noon	\$500
Saturday after 12 noon	\$600
Sundays & Holidays	\$750

NON-RESIDENTS

Monday-Friday	\$600
Saturday 9 am-12 noon	\$800
Saturday after 12 noon	\$900
Sundays & Holidays	\$950

Infant Opening

Monday-Friday	\$100
Saturday 9am-12 noon	\$200
Saturday after 12 noon	\$250
Sundays & Holidays	\$250

Cremation Opening/Resident (In Ground)

Monday-Friday	\$150
Saturday 9am-12 noon	\$300
Saturday after 12 noon	\$350
Sundays & Holidays	\$400

Cremation Opening/Non-Resident (In Ground)

Monday-Friday	\$200
Saturday 9am-12noon	\$350
Saturday after 12noon	\$400
Sundays & Holidays	\$450

Additional \$150.00, per hour, after 3:00 p.m. arrival.

** Residents of Bremen and Property Tax Payer (owner) on a parcel inside the Corporate limits of the Town of Bremen.

- 106.14 Selection of Grave Sites. The purchaser of four (4) or more lots shall be entitled to select the location or site of the lots purchased, provided, however, that the Cemetery Board reserves the right to choose the site where less than four (4) graves are purchased. Four (4) graves must be purchased to place a single crypt/mausoleum; Eight (8) graves must be purchased to place a double crypt/mausoleum.
- 106.15 Pauper Section. The Cemetery Board shall have the authority to designate a special section reserved for paupers and to adopt rules and regulations for that section.
- 106.16 Infant Section. The Cemetery Board shall have the authority to designate a special section reserved for burial of infants (defined as children under two years of age) and to adopt rules and regulations for that section. An infant grave shall be one-fourth the size of a regular grave and all markers shall be six (6) inches by ten (10) inches with a three (3) inch wash border and shall be flush with the ground.
- 106.17 Time When Burials Are Permitted. It shall be the established policy of the Bremen Cemetery Board that all burials at the Bremen Cemetery shall take place between the hours of 8:00 am to 3:00 pm. See above referenced Gate-time and additional charges.
- 106.18 Disinterment and Reinterment. It shall be the established policy of the Bremen Cemetery Board that anyone wishing to have the remains of a relative disinterred and reinterred at another location in the Bremen Cemetery or elsewhere, shall contract with a private firm having the proper equipment and experience to perform this service.
- The firm providing this service shall notify the Bremen Cemetery Board of their intention of moving the remains, and provide a signed letter or contract from the relative desiring this service. The firm providing this service shall be under the direct supervision of the Bremen Cemetery Sexton and shall restore all areas of the Cemetery disturbed, back to their original condition.
- 106.19 Indigent Burial Policy It shall be the policy of the Bremen Cemetery to furnish without charge, a grave site for a deceased indigent person, who was a resident of Bremen at the time of death or a former resident of Bremen who was residing in a health care facility or a county facility for indigent at the time of death. In order to qualify, the former resident must have moved from Bremen to one of the above facilities prior to becoming deceased. The Bremen Cemetery charges for grave openings and closing shall apply and be billed to the proper authority that is responsible for the indigent's other funeral and burial expenses.
- 106.20 Chapel Use. The chapel will be available for graveside services at the Bremen Cemetery without charge. Use of the chapel for graveside services shall be mandatory, when in the opinion of the Bremen Cemetery Sexton, adverse conditions, weather or otherwise, shall warrant such use. Should the chapel be used for any type of viewing or funeral service, there will be a fee assessed in the amount of \$300.00.

106.21 Mausoleum Fees for Bremen Residents & Property Tax Payer**

	<u>Price</u>	Amt. put into Perpetual Care <u>Fund</u>	Name <u>Fund</u>	Amt. put into Operating <u>Fund</u>
Chapel Crypts <u>Rows 2 & 3</u>	\$2,850	\$85	\$280	\$2,485
Chapel Crypts <u>Rows 1 & 4</u>	\$2,650	\$85	\$280	\$2,285
Outside Crypts <u>Rows 2 & 3</u>	\$2,050	\$85	\$280	\$1,685
Outside Crypts <u>Rows 1 & 4</u>	\$1,850	\$85	\$280	\$1,485
Niches <u>All Rows</u>	\$600	\$135	\$345	\$120

Crypt Openings

Monday-Friday	\$ 150
Saturday	\$ 300
Sundays & Holidays	\$ 350

Niche Openings

Monday-Friday	\$ 150
Saturday	\$ 300
Sundays & Holidays	\$ 350

NON-RESIDENT OP/CL

Crypt Openings

Monday-Friday	\$ 300
Saturday	\$ 400
Sundays & Holidays	\$ 500

Niche Openings

Monday-Friday	\$ 300
Saturday	\$ 400
Sundays & Holidays	\$ 500

** Residents of Bremen and Property Tax Payer (owner) on a parcel inside the Corporate limits of the Town of Bremen.

Vases with brackets for Mausoleum

Outside Crypt - brown plastic vase	Cost plus tax
Inside Crypt - brass vase	Cost plus tax
Niche - brass vase	Cost plus tax

Additional \$150, per hour, after 3:00 p.m. arrival.

- 106.22 Sale of Crypts on contract. The Bremen Town Council has authorized the sale of crypts on contract, pursuant to Resolution No. 92-18 and the terms attached and marked Exhibit "A". This resolution allows for the purchase of a crypt or crypts over a period of 24 or 36 months.
- 106.23 Crypt & Niche identification. All crypts & niches shall be identified with a brass name plate furnished by the Town of Bremen when the crypt is purchased. A name plate allowance shall be included in the price of each crypt purchased and a name plate allowance shall be included in the price of each niche purchased. Any name plate costs in excess of the above named allowances shall be added to the purchase price of each crypt or niche and all such excess costs shall be borne by the purchaser of the crypt(s) or niche(s). No other name plates or inscriptions shall be allowed unless a marker is issued by a governmental agency.
- 106.24 Crypt & Niche flower vases. Flower vases for crypts & niches can be purchased from the Town of Bremen.
- 106.25 Mausoleum site restrictions. Embalming is required for all crypt interments. Crypts & niches may be decorated with flowers only. No other ornaments, statues, pictures or other decorations shall be allowed around or in the mausoleum or chapel.
- 106.26 Chapel door keys. A chapel door key shall be furnished by the Town of Bremen, without charge, to anyone purchasing a chapel crypt.
- 106.27 Memorial Garden Bricks. Engraved memorial bricks to be placed around the Memorial Garden can be purchased for \$150.00, with a maximum of 35 letters per brick. The bricks may be purchased by contacting the Clerk-Treasurer's Office.