

ORDINANCE NO. 23-087

AN ORDINANCE AMENDING THE RULES AND REGULATIONS FOR THE OAKLAND CEMETERY AND MEMORIAL PARK IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Rules and Regulations for the Oakland Cemetery and Memorial Park were last amended by the passage of Ordinance No. 05-175 by the City Commission on December 12, 2005; and

WHEREAS, the Cemetery Board by letter from the Board's Chairman dated March 24, 2023, is recommending Sections 3, 4, 12, and 14 of the Rules and Regulations be amended as hereafter set forth; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City in order to implement the recommended amendments as soon as possible to enhance efficiency at the Oakland Cemetery; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves and adopts the amendments to the Rules and Regulations for the Oakland Cemetery and Memorial Park as hereinafter set forth:

**NEW LANGUAGE APPEARS IN BOLD PRINT
LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT
LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT**

Section 3. Traffic and Conduct

(1) Business and Visiting Hours

The Cemetery office and grounds are open for business and visiting at such hours as shall be established by the ~~Cemetery Board~~ **Superintendent** and posted. All persons entering or leaving the Cemetery shall use the regularly designated entrances and exits. Visiting is prohibited when the Cemetery is closed.

Section 4. Funerals

(b) Funeral Hours

Funerals shall be conducted during regular Cemetery hours, Monday through Friday, prior to 3:00 4:00 p.m. and on Saturdays, Sundays and holidays prior to 3:00 p.m. The time of a funeral shall be determined as of the entry of the funeral procession into the Cemetery.

(c) Additional Charges

In addition to the regular Cemetery charges for a funeral, the following charges shall be made and paid before interment:

(1) For a funeral **concluding** after 3:00 p.m. on weekdays or on Saturday, Sunday or holidays, the additional charges shall be as determined by the ~~Cemetery Board or the City Manager~~ **Superintendent**.

(2) Oversize graves (over 8' long or 40" wide):

Persons making requests for burials shall furnish the name of the deceased, place and date of birth, last residence, date of death, cause and place of death, proposed date and hour of interment, and such other information that shall be required to satisfy Section 8 of these regulations entitled "Who May Be Interred". Such notice, arrangements, and information also applies to burial in vaults or mausoleums, and where remains have been removed from another burial place for reinterment in a cemetery.

Section 12. Memorials, Monuments, Headstones, Markers, and Corner Posts

(10) Cemetery staff shall not install headstones purchased on the internet.

(14) Deliveries of Memorials

No delivery shall be made on Sundays or holidays, or after ~~4:00~~ **3:00** p.m. Arrangements for delivery and erection of memorials shall be made so that there will be no interference with interments in nearby areas. Any exceptions to this rule must be made in writing and approved by the Cemetery Board.

Section 14. Recovery of Unused Burial Spaces

~~Where the owner of a burial space is deceased or is presumed to be deceased by reason of unexplained absence from his usual place of residence for more than seven years and no interments have been made in said lot for more than twenty-five years, and there are two or more adjacent vacant grave spaces thereon, (such adjacent vacant grave spaces being side by side as distinguished from end to end), and by reasonable effort the names and addresses of the persons entitled to inherit such burial spaces may be declared abandoned by the Cemetery Board and shall revert to the City of Sandusky and may be sold by the City, free from claims of any and all persons otherwise entitled to the same under these rules and regulations. In the event that any person entitled to inherit said lot should subsequently appear, the City of Sandusky shall provide for such person suitable space or spaces, free of charge as he may be entitled to, either one or more of the~~

~~spaces left vacant or elsewhere in Oakland Cemetery or in Oakland Memorial Park.~~

Commencing on May 1, 2023, all Deeds or other instruments for cemetery lots shall contain a provision that burial must take place within 50 years of the date of the Deed or other instrument. If no burial takes place within that time period, the lot owner shall be notified by certified mail, return receipt requested, or by legal public notice, or both, that the Deed or other instrument will be forfeited if the owner does not respond within 30 days to the City Manager stating their intention to use the lot. If, after 30 days of providing notice, the City Manager does not receive any response by the owner, then the lot is forfeited to the City. The City may then resell the lot. However, if after providing notice, the City Manager receives a response by the owner, the City shall extend the time period for burial for an additional 25 year period.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 10, 2023