

ORDINANCE # 254

CEMETERIES - REVISED

Chapter 22 - CEMETERIES

Footnotes:

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Cross reference— Streets, sidewalks and other public places, ch. 86.

State Law reference— Authority to establish, maintain and operate cemeteries, G.S. § 7-148(c)(6)(A)(i).

ARTICLE I. - IN GENERAL

Sec. 22-1. - Short title of chapter.

This chapter shall be known and may be cited as the "Coventry Municipal Cemetery Ordinance."

(Ord. No. 131, § 1, 7-18-77)

Sec. 22-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cemetery or cemeteries means any and all Coventry town-owned cemeteries.

Commission is the cemetery commission of the town.

Sexton means the Sexton of the cemetery.

(Ord. No. 131, § 2, 7-18-77)

Cross reference— Definitions generally, § 1-2.

Sec. 22-3. - Duties of sexton.

Should a sexton be employed, his or her duties are to:

- (1) *Comply with state statutes.* The Sexton shall comply with any and all Connecticut General Statutes relating to the duties of a cemetery sexton.
- (2) *Direct the cemetery.* The Sexton shall look after and take proper care of the cemetery and see that no lot therein is used or occupied in violation of this chapter or of any rule or regulation promulgated by the commission.
- (3) *Collect and surrender fees.* All fees and charges collected by the sexton for duties and services performed in connection with the cemetery shall be immediately surrendered to the Town Treasurer.
- (4) *Supervise interment.* The Sexton shall oversee the opening and closing of graves and interments when called upon to do so.
- (5) *Perform additional duties or duties in lieu of those listed in this section.* The sexton shall perform such additional duties or duties in lieu of those listed in this section as may be determined by the commission.

(Ord. No. 131, § 10, 7-18-77)

Sec. 22-4. - Rules for interment.

No deceased person shall be interred in the cemetery until the sexton or an authorized member of the commission has found that:

- (1) A burial permit has been obtained from the public health officer as required by law;
- (2) The lot in which burial is to be made is fully paid for;
- (3) The person arranging for the burial has the right to the use of such lot;
- (4) Such lot is not used beyond its capacity; and
- (5) Proper record is made of the name and age of the deceased person and the exact location of the grave.

(Ord. No. 131, § 12, 7-18-77)

Sec. 22-5. - Lot valuation; method of purchase.

- (a) The Commission shall place a value upon all unsold lots in the cemetery, and shall record such valuations in a manner that is open to public inspection, in the office of the sexton. Such official valuations shall be the price at which such lots shall be sold.
- (b) The Commission may revalue unsold lots from time to time as may be necessary. Such revaluations shall be recorded in a manner that is open to public inspection, in the office of the sexton.
- (c) There shall be no discrimination in the sale of lots on the basis of sex, race or religious preference.
- (d) Any person desiring to purchase burial rights to a particular lot, for the purpose for which it is intended, shall be permitted to do so upon payment of the price fixed for such lot or upon making arrangements, according to rules and regulations that may be established by the commission, for the purchase of such lot.

(Ord. No. 131, § 13, 7-18-77)

Sec. 22-6. - Penalty for violation of chapter.

Any person violating any of the provisions of this chapter shall be subject to a fine of not more than \$100 as provided in section 1-10.

(Ord. No. 131, § 15, 7-18-77)

Secs. 22-7—22-40. - Reserved.

ARTICLE II. - CEMETERY COMMISSION

Footnotes:

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Cross reference— Boards, committees, commissions, § 2-146 et seq.

Sec. 22-41. - Appointment of members; terms; compensation.

The Town Council shall appoint five persons who are residents of the town, who shall constitute and be called the Cemetery Commission. Their terms shall be staggered, and they shall hold their positions for three years and until their successors are duly appointed and qualified. Members of the Commission shall serve without pay. The initial terms of the members of the Commission shall be adjusted by the Town Council to allow for staggered terms.

(Ord. No. 131, § 3, 7-18-77)

Sec. 22-42. - Quorum; meetings; bylaws and rules; appointment of officers.

- (a) A majority of the members (3 people) of the Commission shall constitute a quorum for the transaction of business, and they may hold general or special meetings at the town hall or elsewhere, at such times as they may by order direct. Such majority may make and establish such reasonable bylaws, rules and regulations as may be necessary for their own government, and for the full and complete execution of their powers and duties and the use, including resale or transfer of lots by owners, of town-owned cemeteries. Such bylaws, rules and regulations are subject to the approval of the Town Council.
- (b) The Commission shall organize, selecting one of their number to be chairman and another to be secretary. In lieu of selection of a Commission treasurer, the Town Treasurer will act also act as treasurer for the commission.

(Ord. No. 131, § 4, 7-18-77)

Sec. 22-43. - Treasurer.

The treasurer of the Commission shall have the custody of all funds received by the Commission from all sources, and shall pay out funds upon the order of the Commission or Public Works Director, in accordance with the Town Purchasing Policy. He/she shall keep permanent books of records of all such funds, and all receipts and disbursements thereof, and for what purposes such funds are received and disbursed. The treasurer shall make an annual written report to the Commission and to the Town Council. Such written report shall show balances, receipts and disbursements, including a statement showing the amount and principal of trust funds on hand and how invested, which report shall be audited by the town auditor, and if found correct, shall be transmitted to the Town Council at the same time that the treasurer of the town is required by law to make his report. Such report shall be approved and preserved in the same manner, and reported in the annual report of the town, if found to be correct.

(Ord. No. 131, § 5, 7-18-77)

Sec. 22-44. - Secretary.

The secretary of the Commission shall keep a permanent record of the proceedings of the Commission and submit all such records to the Town Clerk. The Town Clerk shall maintain all records in a book provided for that purpose.

(Ord. No. 131, § 6, 7-18-77)

Sec. 22-45. - Powers of town council.

- (a) The Town Council shall have the power to remove from office any member of the Commission or the treasurer for nonperformance of duties or for misappropriation or wrongful use of funds or property, and to require a just and proper accounting for the same.

- (b) The Commission shall have the care, charge, management and control of such cemetery, under the supervision of the town council.

(Ord. No. 131, § 7, 7-18-77)

Sec. 22-46. - Duties.

- (a) The Commission shall control, manage and direct the acquisition, apportionment, use and disposition of all town-owned cemetery properties and their appurtenances, including land, plantings, buildings and equipment related thereto, and to maintain these properties and appurtenances. All acquisition and disposal of cemetery properties are subject to approval by the Town Council
- (b) The Commission shall have input to the Town Manager in preparing a job description for the Sexton which is subject to review and approval by the Town Council. The Sexton shall be considered a town employee, with compensation set annually through the Town's annual budget process and be supervised by the Town Manager.
- (c) The Commission, shall, prior to the start of development of any cemeteries, prepare and submit to the Town Council for approval a comprehensive financial plan, including repayment of costs of land purchase, if any; engineering and legal fees; and other costs, which shall establish the cemetery on a fiscally self-sufficient basis, imposing no costs to the town general fund or annual budget.

(Ord. No. 131, § 8, 7-18-77)

Sec. 22-47. - Fund management.

- (a) Funds for the designs of cemetery layout and lot locations, maintenance and other necessary costs shall be maintained separately from the town's general fund and annual budget. Funds received by the Commission from lot sales, burial fees and any other fees received shall be maintained in a separate account and only be used for cemetery maintenance, repayment of bonds, design and development of current cemeteries, and related costs.
- (b) Upon recommendation of the Cemetery Commission, surplus funds may be used for improvements, acquisition of additional cemetery property or other related purposes approved by a town meeting subject to the provisions of state law at the time. Funds may be used for general maintenance and minor improvements as authorized in the Town's Purchasing Policy. Should the Commission, in concurrence with the Town Council, , deem that there are surplus funds in excess of the legitimate needs of the cemetery commission, such funds shall be returned to the town general fund.
- (c) An annual budget will be submitted by the Commission to the Town Manager, in connection with the Town's annual budget process. The budget will be reviewed and approved by the Town Council, and subject to approval at Town Meeting. The Commission may not exceed its annual budget as approved at town meeting.

(Ord. No. 131, § 9, 7-18-77)

Sec. 22-48. - Rules and regulations.

The Commission shall establish and make available to the public rules and regulations for the use of the cemetery relating to:

- (1) Subdivision of the cemetery into lots;
- (2) Capacity of each lot;
- (3) Location of graves;

- (4) Type of plantings, monuments and markers that will be permitted for the proper and most attractive development of cemetery properties;
- (5) Limitations on purchase and on the terms, conditions and recording of the resale of the lots;
- (6) The setting of fees and the collection thereof for services performed in connection with the cemetery;
- (7) All matters within the scope of duties of the Commission.

All cemetery rules and regulations must be adhered to at all times. Rules and regulations are adopted by the Commission and reviewed and/or amended on an as needed basis.

(Ord. No. 131, § 11, 7-18-77)

Sec. 22-49. - Records of burial rights.

The Commission shall keep full and complete records of the burial rights of all lots in the cemetery, of the burial capacity of each lot, sold or unsold, of the location of each grave, of the names of the persons buried in each grave that has been or shall hereafter be used for burial, and of the date of burial of each.

(Ord. No. 131, § 14, 7-18-77)

Secs. 22-50—22-80. - Reserved.

ARTICLE III. - USE REGULATIONS

Sec. 22-81. - Purchase of burial rights.

Any person may purchase burial rights in lots within cemeteries at prices which shall be determined from time to time by the commission. Such rights are not transferrable by sale, but must be resold to the town at the purchase price, less a \$10.00 handling fee, and without interest. Persons holding such burial rights will be referred to as "lot owners".

(Ord. No. 139, § 1, 6-25-84)

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