

ORDINANCE NO. 2344

AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY ESTABLISHING REGULATIONS FOR THE MAINTENANCE OF CEMETERIES; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

Section 1.0 – Definitions

As used herein, the following words and phrases have the following meanings provided for them:

1.1 The word “everybody” means every human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated, association or otherwise.

1.2 The word “nobody” means no human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated, association or otherwise.

1.3 The word “cemetery” means an area of ground that is established, maintained, managed, and operated for the interment of the physical remains or cremains of deceased human beings.

1.4 The word “mausoleum” means a building in which the physical remains and cremains of deceased human beings are interred.

1.5 The word “grave” means an excavation made in the earth in which the physical remains or cremains of deceased human beings are interred.

Section 2.0 – Prohibitions

Nobody, including, without limitation, those who have any ownership interest in either: (a) a cemetery; or (b) any organization of persons that has any ownership interest in a cemetery shall conspire, cause, permit, promote, allow, assist, encourage or engage in any act or omission in the cemetery that is disrespectful of those deceased human beings whose physical remains or cremains are interred in the cemetery, including, without limitation:

2.1 Any act or omission in regard to the condition of or the maintenance of the graves and mausoleums in the cemetery, including, without limitation:

2.1.1 The failure to maintain the surface of the ground above graves in a condition without ruts, sink holes or other depressions and with grass no less than two inches and no more than four inches in height above the surface of the ground.

2.1.2 The failure to maintain markers and memorials to those human beings whose physical remains and cremains are interred in the cemetery free from any overgrowth of grass or other vegetation.

2.2 Any act or omission in regard to the condition of or the maintenance of the mausoleums and other buildings in the cemetery, including, without limitation:

2.2.1 The failure to maintain the mausoleums and other buildings in the cemetery and all of the other improvements in the cemetery, including, without limitation, driveways and walkways for pedestrian

and motor vehicle traffic, lakes, fountains, fences and gates, in a neat, clean and functional condition according to the design thereof, free and clear of an overgrowth of any grass or other vegetation.

2.2.2 The failure to maintain the surface of the grounds of the cemetery outside of buildings, water impoundments, driveways and walk ways for pedestrian and motor vehicle traffic and other such improvements with grass or other ground cover that is no more than six inches in height above the surface of the ground.

2.2.3 The failure to maintain the grounds of the cemetery free from rubbish and dead trees, bushes and plants.

Section 3.0 – Violations

A violation of this ordinance occurs upon any non-compliance with any provision thereof, by either act or omission; and each and every separate non-continuing occurrence thereof, and each and every day of every continuing occurrence thereof is a separate violation of this ordinance.

Section 4.0 – Criminal Penalties

Each separate violation of this ordinance shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in K.R.S. 534.050 (2) (a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in K.R.S. 532.090 (1), or both.

Section 5.0 - Civil Penalties

Each separate violation of this ordinance is hereby classified as a civil offense, for which:

5.1 The maximum civil fine required by K.R.S. 65.8808(2)(b) that may be imposed for each separate violation of this ordinance, is hereby established as \$500.00; and

5.2 The specific civil fine required by K.R.S. 65.8808(2)(c) that will be imposed for each separate offense and violation of this ordinance if the person who has allegedly committed the violation and offense does not contest a citation for it, is hereby established in the amount of \$100.00;

5.3 An enforcement officer may, in lieu of immediately issuing a civil citation, give notice that the violation of this ordinance shall be remedied within a specific period of time.

Section 6.0 – Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section 7.0 – Conflicting Ordinances Repealed

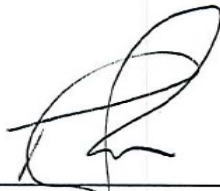
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 8.0 – Effective Date

This ordinance shall be effective as soon as possible according to law.

Section 9.0 - Publication

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).



THOMAS L. ROUSE, Mayor

2010 Erlanger ordinances:cemetery regs:04-20-10 kwq)