

AN ORDINANCE OF THE CITY OF APPLETON CITY, MISSOURI, TO AMEND CHAPTER 140 OF THE CITY CODE RELATING TO THE SUPERVISION AND CARE OF THE CITY CEMETERY.

WHEREAS, the City of Appleton City has is duly authorized by Section 214.010 of the Revised Statutes of Missouri to operate and care for a public cemetery; and

WHEREAS, the Board of Aldermen has previously enacted Chapter 140 of the City Code regarding the creation and administration of the Appleton City Cemetery; and

WHEREAS, the Board desires to update Chapter 140 to reflect current practices and to provide for more direct supervision over the care and maintenance of the cemetery.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF APPLETON CITY, MISSOURI, AS FOLLOWS:

SECTION 1. That Chapter 140 of the City of Appleton City Municipal Code is hereby amended by adding the bolded and underlined language and repealing the stricken language as follows:

Section 140.010 Cemetery Lots — Purchase of Lots — Conveyed By Certificate — Lots Designated By Numbers — Register For Cemetery Plots To Be Kept.

- A. The cemetery owned by the City of Appleton City shall be laid out in lots on the plan on file with the City Clerk or Collector, and shall be in width and length as shown by the plat of said cemetery, and said lots shall be subject to sale and purchase at four hundred dollars (\$400.00) per lot or one hundred twenty-five dollars (\$125.00) per plot.
- B. The cemetery lots shall be conveyed by certificate, signed by the Mayor, countersigned by the Clerk or Collector, under the Seal of the City, specifying that the purchaser to whom same is issued is the owner of the lot described therein, by numbers as laid down upon the plat of the cemetery on file in the office of the City Clerk for the purpose of interment, and such certificate shall vest in the purchaser, his/her heirs, or assigns, a right in fee simple to such lots for the sole purpose of interment under the regulations of the Board of Aldermen. Provided that any person unable to purchase a lot may inter, free of cost, in such place as may have been provided by the Board of Aldermen for the interment of paupers, and as may be directed by the cemetery supervisor(s).
- C. A plat of the cemetery shall be procured for the use of the City, and all lots shall be designated by numbers, and the names of the persons owning the same shall thereafter be written with ink on the lots as they appear on said plat. Such plat shall at all times be kept in the office of the City Clerk or Collector, and the entries herein provided for shall be made by him/her.
- D. It shall be the duty of the City Clerk or City Collector to provide at the expense of the City a register for cemetery plots, and opposite each plot the owner's name shall be entered and also any transfer of the same. Recording of such certificate of purchase by the County Recorder of Deeds is the responsibility of the purchaser of such plot and is recommended.

Section 140.020 Supervision of Cemetery

The cemetery shall at all times be under the control of the Mayor and Board of Aldermen, and a **one or multiple** cemetery supervisors shall be appointed by the Mayor with the approval of the Board of Aldermen

in May of each year, and said supervisors shall serve at the pleasure of the Board for a term set by the Board. ~~his/her term of office shall be for one (1) year, or until his/her successor has been appointed and qualified.~~ It shall be ~~his/her~~ the supervisors' duty to see that burials are made on the proper lots, and to keep a correct entry of all burials and of each lot sold, in ~~his/her~~ the official record book, and everything necessary to keep a full and complete history of the cemetery.

Section 140.030 Regulations For Burials.

All graves therein shall be dug by the cemetery supervisor(s), or some person authorized by a supervisor ~~him/her~~, and the graves shall be thirty-eight (38) inches deep for a mausoleum and four and one-half (4½) feet deep for a vault or box. All persons buried in the Appleton City cemetery must be placed in a two (2) piece concrete box or better, excluding those persons who are cremated who must be placed in individual urns, however, two (2) urns may be placed in the same plot. A permanent marker must be placed upon the grave.

Section 140.050 Designation of Lots, As Required, in "Potter's Field".

The cemetery supervisor(s) may, as occasion may require, designate lots in the cemetery marked in the plat as "potter's field" for the use of persons desiring to bury corpses and not owning any lots in said cemetery. The City shall so arrange the ground that one (1) or more parts of lots may be sold to any persons so desiring and that such parts of lots shall be in one (1) continuous group or space of ground, separate from the other lots.

Section 140.060 Prohibition.

No persons shall bury any corpse on any lot not his/her own without written permission of the cemetery supervisor(s).

Section 140.070 Cemetery Association. **Care and Maintenance.**

~~The Appleton City Cemetery Association, which was incorporated in 1920,~~ cemetery supervisor(s) shall see to the care and maintenance of the cemetery grounds (which includes the entire Appleton City cemetery, including graves and driveways, mowed at least twice a year). The Board of Aldermen and the Mayor shall have control over the care and maintenance of the cemetery. The cemetery supervisor(s) shall take direction from the Board and the Mayor in the fulfillment of their duties under this Section. ~~For this service, the City shall donate twelve hundred dollars (\$1,200.00) per year to help the association.~~

Section 140.100 Cemetery Hours.

No person, without special permission from the Mayor or a cemetery supervisor ~~of the Appleton City cemetery~~, shall enter said cemetery between the hours of 8:00 P.M. and 5:00 A.M. of any day.

SECTION 2. That all other Sections of Chapter 140 of the Municipal Code not mentioned or revised herein shall remain unchanged and in effect.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen, signed by the Mayor, and shall remain in effect until amended or repealed by the Board of Aldermen.

SECTION 4. Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent they conflict.

Read two times by title only and adopted by the Board of Aldermen of the City of Appleton City, Missouri, this 13th day of February, 2024.

Tom Holt, Mayor

ATTEST:

Carrie Emerson, City Clerk

APPROVED this 13th day of February, 2024.

Tom Holt, Mayor

ATTEST:

Carrie Emerson, City Clerk