

Village of Mantua, Ohio
ORDINANCE 2010-40
(amended)

**AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE
CHAPTER 145 IN ORDER TO ESTABLISH THE COMPOSITION, POWERS AND
DUTIES OF THE VILLAGE OF MANTUA BOARD OF CEMETERY TRUSTEES, AND
REPEALING ALL PRIOR INCONSISTENT ORDINANCES.**

WHEREAS, Village of Mantua Codified Ordinances Chapter 145, relating to the Board of Cemetery Trustees, has previously been established to provide a place for future legislation; and

WHEREAS, the acting Cemetery Board has recommended the inclusion of legislation in this section setting forth the composition, organization, powers and duties of the Village of Mantua Board of Cemetery Trustees; and

WHEREAS, this Council wishes to address this concern by enacting appropriate legislation for inclusion in the Codified Ordinances of the Village of Mantua.

NOW THEREFORE, be it ordained by the Council of the Village of Mantua, Portage County, Ohio, two thirds (2/3) of the members elected thereto concurring that:

SECTION 1: Existing Chapter 145 of the Mantua Codified Ordinances, and any other prior inconsistent Ordinances, are hereby repealed.

SECTION 2: Chapter 145 of the Mantua Codified Ordinances as set forth in the attached "Exhibit A" is hereby enacted.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance shall take effect and be in full force from and after passage by Council and execution by the Mayor, at the earliest date allowed by law, to preserve the Public health, peace, safety, and welfare within the whole of the Village.

Passed in Council this 19th day of April, 2011.

1st Reading: _____

Donna Hawkins, Mayor

2nd Reading: _____

3rd Reading: _____

ATTEST:

Effective: May 19, 2011

Jenny August, Clerk of Council

I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio.

Jenny August, Clerk-Treasurer

Approved as to Legal Form:

Michele A. Stuck
Solicitor, Village of Mantua

Village of Mantua, Ohio
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"EXHIBIT A"
(amended)

145.01 BOARD OF CEMETERY TRUSTEES ESTABLISHED.

(a) In June of the year 2011, the Mayor shall appoint a Board to be known as the Board of Cemetery Trustees. Such Board shall consist of three members, whose terms of office shall extend until the officers chosen at the Municipal election of 2015 are qualified and placed in office in January of 2016. Thereafter, the Mayor shall appoint the Board as follows: one member for a term expiring in January 2018, one member for a term expiring in January 2020, and one member for a term expiring in January 2022. As these terms expire and thereafter each even numbered year, the Mayor shall appoint one member for a term of six years at the first regular meeting of Council.

(b) In the case of a vacancy in the Board of Cemetery Trustees by reason of resignation, death, disability, or removal from office of a member, the Mayor shall appoint a member to fill such vacancy. An appointment to fill a vacancy shall be made at the first meeting of Council after such vacancy has been brought to the attention of the Mayor and Council. Such appointments shall be for the remainder of the unexpired term of the member so replaced.

(c) The Mayor may remove from office any member of the Board of Cemetery Trustees for misconduct, neglect of duty, or malfeasance in office.

145.02 ORGANIZATION OF BOARD OF CEMETERY TRUSTEES.

(a) The Board of Cemetery Trustees shall have the powers and perform the duties prescribed by Ohio R.C. 759.09 to 759.18 inclusive, for the Director of Public Services in the cities.

(b) The Trustees shall meet at least quarterly to discuss the operation of the cemetery. They shall keep minutes of their meetings which shall be entered into the book provided.

(c) In the event the Board of Cemetery Trustees wishes to meet with the Village Council, they shall notify the Village Clerk for inclusion on the Council Agenda.

(d) The Trustees shall, each year at their first meeting, elect a secretary. That secretary shall be responsible for recording the minutes of meetings.

(e) The Board of Cemetery Trustees shall formulate a set of bylaws by which the operation of the cemetery will be governed. The Trustees shall review the bylaws during the first quarter of each calendar year and update the bylaws when there are changes in ordinances or laws. The bylaws shall be approved by Council on an annual basis during the second quarter of each calendar year.

(f) The Village Clerk-Treasurer will handle the funds from the sale of grave lots as well as the fees for the opening and closing of graves, and recording all deeds.

(g) All deeds and all records pertaining to the cemetery shall be kept at the Village Hall in a fireproof safe which has been provided through the trust fund. In the event that a new safe and/or other supplies are needed, they shall be paid for through the Cemetery Trust Fund as provided herein. The books and records shall be kept by the name of the owner of the lot and the funeral home, if any.

145.03 CEMETERY SEXTON.

(a) The Cemetery Sexton shall be appointed by the Mayor and approved by Council. The Cemetery Board of Trustees may offer recommendations, for the Sexton position, to the Mayor for consideration.

(b) The Cemetery Board of Trustees shall provide the lot owner or concerned party "Rules and Regulations of the Cemetery" when lots are sold or graves opened.

(c) The Sexton shall be notified when grave lots are sold or opened.

(d) The Sexton is responsible for maintaining the grave registration book and plot plan. The Sexton will provide the Cemetery Trustees with the information needed for deed preparation. The Sexton shall provide the Mayor, Council, and Trustees with a quarterly report on cemetery activities and recommendations for improvements.

(e) The Sexton shall coordinate cemetery maintenance. The Village maintenance department will provide opening and closing of graves and general maintenance of the cemetery. General maintenance of the cemetery, mowing, tree and brush trimming will be done on an as needed basis as determined by the Sexton. The Sexton shall also coordinate the filling of low lying areas and grass planting between May 1 and October 1, as the need becomes apparent. Damage to headstones shall be reported to the Sexton by filling out an incident report.

(f) The Cemetery Sexton shall enforce observance of all regulations of the cemetery. The Cemetery Sexton shall not act contrary to the provisions of this chapter and any regulations set forth by the Trustees.

145.04 INTEREST ON CEMETERY TRUST FUNDS.

(a) The Cemetery Trust Funds shall only be expended according to their terms, and expenses therefrom are subject to submission to the Trustee of the Funds and approval by the Probate Court.

(b) All expenditures of the Cemetery Trust Fund monies shall be approved by Village Council with notification to the Cemetery Board. The Cemetery Board may recommend expenditures to the Village Council for Consideration.

(c) Cemetery Trustees are to receive an annual report on the Cemetery Trust Fund from the Village Clerk-Treasurer.