

**SUMMARY OF ORDINANCE NO. 2024-03 ENTITLED
"AN ORDINANCE AMENDING ORDINANCE NO. 2016-10 AND ESTABLISHING THE CITY OF
LONDON CEMETERY BOARD"**

This Summary is prepared by Larry G. Bryson, London City Attorney and is certified to be a true and correct summary of the changes contained in Ordinance No. 2024-03. This attorney is authorized to make this Summary as an Attorney who is authorized and licensed to practice law in this Commonwealth.

Ordinance No. 2024-03 makes changes in renaming the Board and providing powers to the Board to make decisions regarding the A.R. Dyche Memorial Cemetery, the Cemetery on 110 McKee Street, the Cemetery on West 13th Street, the Defeated Camp Cemetery, the Levi Jackson Family Cemetery and any other City-owned cemeteries including but not limited to operations and maintenance of those cemeteries.

The Board is composed of 5 members appointed by the Mayor and approved by the Council, 3 of whom must be residents of the City and have relatives buried in A.R. Dyche Cemetery. Any vacancy not filled within 30 days of the notice of vacancy shall be filled by the Board. Present members of the Board at the time of this Ordinance are to remain on the Board. Board members are to meet every 3 months, and Board members will be paid \$250 for each of those meetings attended. Other meetings are Special Called Meetings and must be approved in advance by the Mayor for Board members to be paid \$250. Otherwise, the Board may meet as often as it deems necessary.

There is already a perpetual care fund for the A.R. Dyche Cemetery; the Board shall establish a perpetual care fund for each of the other cemeteries and maintain separate bank accounts for each cemetery. The Board shall determine from all available fund the maintenance of all cemeteries in this Ordinance.

The Ordinance is effective upon publication and Ordinance No. 2016-10 is amended accordingly. This is a true and correct summary of this Ordinance.

Date: _____

March 1, 2024

Larry G. Bryson
Larry G. Bryson, London City Attorney

COMMONWEALTH OF KENTUCKY

CITY OF LONDON

ORDINANCE NO. 2024-03

AN ORDINANCE AMENDING ORDINANCE NO. 2016-10 ESTABLISHING THE A.R. DYCHE MEMORIAL PARK CEMETERY BOARD AND ESTABLISHING THE CITY OF LONDON CEMETERY BOARD

The City of London recognizes that the A.R. Dyche Memorial Cemetery had its beginning as a family cemetery when Nannie Parker was buried there by her family in December 1896. The Parkers allowed others to be buried there and it became established by Maria Jackson as the Pine Grove Cemetery; it was then purchased by London Masonic Temple Company and later sold to Russell Dyche who turned the management over to the A.R. Dyche Memorial Park Association, a city of London organization to operate the cemetery. Russell Dyche contributed acreage to the cemetery afterwards. According to various publications, Russell Dyche wished that the cemetery be a memorial to his father A.R. Dyche. The A.R. Dyche Cemetery has been operated by the City of London Cemetery Board for several years and has acquired property and has undergone several expansions, particularly over the past short while.

The City of London recognizes the efforts of the present cemetery board and its efforts for the improvement and expansion of the property comprising the present A.R. Dyche Cemetery. The Cemetery Board has recommended changes to the London City Ordinance relating to the A.R. Dyche Cemetery Board. For these reasons and with this recognition.

Ordinance No. 2016-10 only recognized the A.R. Dyche Memorial Park and allowed the Board (named after the same) to make decisions regarding the A.R. Dyche Memorial Cemetery; there are other Cemeteries owned by the City of London according to the Office of the Property Valuation Administrator of Laurel County. In particular are the cemeteries at West 13th Street; the Defeated Camp Cemetery and the Levi Jackson Family Cemetery; there may be others that become known and the City Council wishes the present Board to also have the same decision making concerning all City owned cemetery property.

BE IT ORDAINED BY THE CITY OF LONDON as follows:

The purpose of the Board shall be the operation and maintenance of all City Owned Cemeteries ~~A.R. Dyche Memorial Park which has been acquired by Deeds to the City of London.~~ The purpose of this Ordinance is to establish the City of London Cemetery Board as the controlling Board for the maintenance and operation for all City Owned Cemeteries within the City of London.

1. BOARD MEMBERS:

- A. A Cemetery Board ("Board") shall be appointed by the Mayor consisting of ~~at least~~ five (5) individuals, at least three (3) of whom shall reside in the City of London and two (2) who may not live in the City, but reside in Laurel County and have relatives buried in any of the Cemeteries named herein. Any vacancy not filed by the Mayor within thirty (30) days of the notice of vacancy shall be filled by the Board. Such persons shall be known as the ~~A.R. Dyche Memorial Park~~ City of London Cemetery Board ("Board"). Present members of the A.R. Dyche Cemetery Board shall remain for their term of appointment as members of the City of London Cemetery Board.
- B. The term of office of each Board Member shall be for a term of four (4) years, with the option for reappointment.
- C. The Board Members shall be paid two hundred and fifty dollars (\$250.00) for each regular meeting attended.~~for their services, however they~~ The Board may recommend to the Mayor the employment of maintenance, clerical, and professional assistance as may be required.
- D. The Board shall meet no less than every three (3) months; any meetings more than every three (3) months will be considered Special Called Meetings and must be approved in advance by the Mayor for members to be paid. Otherwise, the Board may meet as often as deemed necessary. The Board shall give timely notice to the public in keeping with the Open Meetings law.
- E. A chairperson will be selected by the other Board Members. The chairperson shall preside over all meetings. In the chairperson's absence, the members present shall elect a vice chairperson for the purpose of conducting that meeting. The City Clerk shall serve as the secretary for the Board and shall maintain all minutes and records for the Board.

2. BY-LAWS:

The Board may adopt By-Laws for its own internal function and effective operation. When such By-Laws are adopted, they shall be by an affirmative vote of a majority of its members. The Board will meet not less than once each year during the first week of January at which time a report of the complete activities for the previous year shall be made to the City Council of the City of London.

3. OPERATION OF CEMETERY:

- A. The Board shall have authority to supervise the transfer of cemetery lots for burial purposes and shall reserve control and maintenance over the property transferred; upon the recommendation of the Board, the Mayor shall designate a single person to act as an agent for the Board and City of

London in the transfer and sale of such lots. Monies from the transfer of lots shall be maintained by a person designated by the Board to act as its agent. The Mayor of the City of London is authorized to direct the City Clerk to make payments from the Cemetery Board bank accounts to the retirement of debts owed for such cemetery property. However, no money from the cemetery bank accounts shall be used for the payment of any other City debts or obligations other than those expenses stated and authorized herein.

- B. All other money received by the Board shall be used for the general purposes of the cemetery.
- C. Notwithstanding the above to the contrary, it is recognized that the Board recently recommended and additional property was purchased by the Board, in the name of the City of London.
- D. No burial shall occur within the A.R. Dyche Memorial Park or other City owned cemeteries without the consent and approval of this Board or its agent. No permission shall be granted unless the payment for the transfer of the cemetery lot has been made in full.
- E. The Cemetery Board shall recommend contracts for the upkeep and maintenance of the cemetery property. The Board shall have authority to make regulations regarding the placement and/or removal of markers, stones, plants, trees, and any other structures or materials in this cemetery.
- F. The Board and/or its agent shall maintain records regarding the transfer of lots and shall make regulations regarding all transfers.
- G. The Board and/or its agent shall deliver to the City Clerk of the City of London for deposit, in keeping with this Ordinance, all monies from the sale of lots and other revenue raised resulting from the operation of the cemetery.

CEMETERY FUNDS:

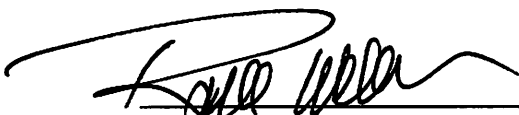
- A. At this time there exists a Perpetual Care Fund for the cemetery A.R. Dyche Memorial Cemetery property; this fund exists for the care and maintenance of the cemetery. This Perpetual Care Fund shall continue to exist for this same purpose. Not less than ~~twenty (20%)~~ ten percent (10%) of all money received from the sale/transfer of cemetery lots by the Cemetery Board shall be placed in the Perpetual Care Fund. Any additional burials in any of the other cemeteries shall cause a Perpetual Care Fund for those Cemeteries; these shall be the same percentages as the A.R. Dyche Perpetual Care Fund.

- B. The City Clerk of the City of London shall maintain separate cemetery bank accounts ~~for each cemetery in the name of the A.R. Dyche Memorial Park.~~ The Board shall determine from all available funds the maintenance of all City owned Cemeteries. The City Clerk shall cause an audit of these accounts to be made by the Auditor of the City of London; the Board may also, upon majority vote, authorize an audit of such cemetery bank accounts.

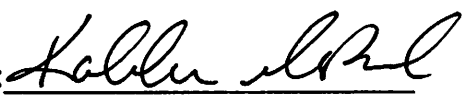
- C. Such cemetery bank accounts shall have at least two (2) signatures, one signature being the London City Clerk; the other signature shall be the chairperson or in that person's absence, the vice-chairperson of the Board.

This ordinance and various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

This ordinance shall be effective immediately upon its adoption by the City Council on second reading and publication in accordance with the applicable provisions of Kentucky Law. Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed, however only parts of Ordinance No. 2016-10 are amended herein.



 Mayor Randall Weddle

Attested: 

 Katelin McPeek, City Clerk

First Reading: FEBRUARY 5, 2024 Second Reading: MARCH 1, 2024

Publication Date: MARCH 6, 2024