

3/14/14

ORDINANCE NO. 905

AN ORDINANCE AMENDING TITLE 8, CHAPTER 3 OF THE RED LODGE CITY CODE CONCERNING CEMETERIES,

WHEREAS, the City Council for the City of Red Lodge initially adopted an Ordinance in 1980 establishing the Red Lodge City Cemetery, and providing for its management and operation; and

WHEREAS, the Ordinance referred to was never amended or modified since the Montana Legislature has repealed the statutory basis for the previously adopted Ordinance; and

WHEREAS, by the repeal of MCA §7-35-4101 and MCA §7-35-4103 through 4109, the restrictions contained in the statutes no longer exist thereby providing the City Council the authority and discretion to appropriately amend and update the Ordinance to better serve the city; and

WHEREAS, since the Red Lodge City Cemetery is not a cemetery district or privately owned cemetery, the provisions of MCA §7-35 Part 21 or MCA §37-19 Part 8 do not apply; and

WHEREAS, the permanent perpetual care fund previously created pursuant to the now repealed Montana law, was never sufficient to fund by interest payments the care and maintenance of the cemetery and as a consequence the City Council has had to appropriate and expend general funds to pay for the care and maintenance of the cemetery each fiscal year; and

WHEREAS, the City Council has determined it is in the best interest of the Red Lodge City Cemetery to utilize the current balance of \$120,255.72 (includes \$17,136.00 in payments due over the next 7 years on the loan to the Building Department) contained in the perpetual care fund to help offset the cost of rehabilitating the mausoleum and other such repairs and maintenance as needed; and

WHEREAS, in order to access the funds, the City Council must amend the existing Ordinance to create a system for funding the cemetery's operation, care and maintenance, and for fulfilling the city's responsibility for perpetual care for the entirety of the cemetery property; and

WHEREAS, the City Council affirms the corporate responsibility of the City of Red Lodge to provide and maintain and preserve the historically significant site known as the Red Lodge City Cemetery,

NOW THEREFORE:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA;

Part I – The current Title 8, Chapter 3: Cemeteries is hereby repealed in its entirety.

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Part II – A new Title 8, Chapter 3: Cemetery is hereby adopted as follows:

TITLE 8, CHAPTER 3: Cemetery

Section:

8-3-1: Establishment and Purpose

8-3-2: Location

8-3-3: Cemetery Funding

8-3-4: Cemetery Administration

8-3-5: General Cemetery Operation

8-3-6: Meetings

8-3-1: Establishment and Purpose

The City of Red Lodge by action of the City Council affirms the establishment of a cemetery to be known as the **RED LODGE CITY CEMETERY**, hereinafter referred to as “cemetery”, which includes the following parcels otherwise known as: A) original cemetery; B) first addition; C) second addition; D) Catholic addition; and E) the Mausoleum.

The purpose for the establishment of the cemetery is to provide a safe, honorable and maintained burial ground as a historical resting place and memorial for the deceased.

8-3-2: Location

The cemetery is comprised of that certain tract of City of Red Lodge owned land located in the northwest portion of the city, specifically described as the North East ¼ of Section 28, Township 7 South, Range 20 East, and as Tract A and B COS 1587.

8-3-3: Cemetery Funding

All funds appropriated by the City Council for cemetery use including but not limited to: 1) general budget appropriations; 2) all funds received from the sale of lots and city services provided in the cemetery; 3) all funds received from all other sources that are intended for cemetery use; and 4) the proceeds from the fund formerly known as the Perpetual Care Fund, shall be placed in an appropriate budget accounting fund. The city treasurer shall keep all monies so received in said accounting and shall use such funds for no other purpose except for the operation of the cemetery. Operation of the cemetery includes routine maintenance (mowing, watering, roadway maintenance, etc.), the repair to structures as needed, and improvements that may be necessary to the development and enhancement of the property as approved by the City Council.

8-3-4: Cemetery Administration

The Red Lodge City Cemetery Committee, hereinafter referred to as the “Committee”, shall be established and maintained to advise and give insight to the City Council on the operation and care of the cemetery.

The Committee shall consist of five (5) members along with the Public Works Director, or designee, acting as an ex-officio member of the Committee to provide direction and counsel.

The membership of the Committee shall include:

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- One (1) member of the Red Lodge City Council, appointed by the Council from their membership; and
- One (1) member appointed by the City Council; and
- Three (3) citizen members from within the corporate limits of the City of Red Lodge appointed by the Mayor.

At initial establishment of the Committee one (1) appointment by the City Council and one (1) appointment by the Mayor shall be for three (3) years. Thereafter, all appointments shall be for two years and may be renewed at the pleasure of the Mayor or City Council.

The Committee shall meet in the months of April, July and October and may meet more often as required to consider the needs of the cemetery and to give advice and recommendations to the City Council on the maintenance and operation of the cemetery, including needed repairs and improvements.

8-3-5: General Operations

Rules and regulations for the day-to-day business operation of the cemetery shall be developed by the Committee. This shall include, but not be limited to, the establishment of pricing of lot sales and services, requirements for vaults, requirements for marker installations, and general guidelines for use of cemetery grounds. These rules and regulations shall be established by ordinance or resolution to be passed by the Red Lodge City Council.

8-3-6: Meetings

All meetings of the Committee shall be noticed in a paper of general circulation in the City not less than fifteen (15) days prior to the meeting and are subject to the requirements of the Montana Open Meetings Law. Further, the Committee shall be subject to reporting requirements established in the Committee By-Laws. Minutes of meetings and records of decisions shall be produced and filed with the City Clerk.

Be it ordained by the Council members of the City of Red Lodge.

First reading by the Council on the ____ day of _____ 2014.

Second reading by the Council on the ____ day of _____ 2014.

PASSED AND APPROVED BY NO LESS THAN FOUR MEMBERS OF THE RED LODGE CITY COUNCIL THIS ____ DAY OF _____ 2014.

By: _____
Ed Williams, Mayor

Attest: _____
Debbie Tomicich, City Clerk

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