

TEMPORARY ORDINANCE NO. 25-12

PERMANENT ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND LANCASTER CODIFIED 933.04(c) RENAMING THE PERPETUAL CARE TRUST FUND TO CEMETERY PERPETUAL CARE FUND AND ESTABLISH RULES, REPEAL EXISTING 933.04(c), AND TO DECLARE AN EMERGENCY

WHEREAS, the City has Cemetery Funds which need clarification and rules within the Lancaster Codified Ordinances, and

WHEREAS, Ohio Revised Code 1721.21 controls the establishment of endowment care trusts for cemeteries, but specifically exempts municipalities and other public entities in Ohio Revised Code 1721.21(H); and

WHEREAS, the City should establish governing rules for the protection of said funds;

BE IT ORDAINED by the Council of the City of Lancaster, Fairfield County, State of Ohio

SECTION 1. That Lancaster Codified Ordinance 933.04(c) be amended as follows:

- c. Cemetery Perpetual Care Fund is a fund created for the perpetual care of the City cemeteries.
1. Twenty Percent (20%) of the sale proceeds of cemetery lots shall be credited to the Cemetery Perpetual Care Fund.
  2. The Fund shall be managed by the City Investment Committee.
  3. The Fund balance shall not be used for operating expenses. The interest from the Fund balance may be used for operating expenses of the Cemetery Department annually.
  4. The balance of the Fund may be used for critical capital improvement projects with the approval of City Council. Said Fund balance shall be safeguarded by Council to ensure the perpetual nature of the Fund.

SECTION 2. That existing Lancaster Codified Ordinance 933.04(c) be repealed in its entirety.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and welfare of the public by ensuring that Cemetery Funds are protected to ensure the proper and safe burial with the City. This Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_ after \_\_\_\_\_ reading. Vote: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Clerk: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Offered by: \_\_\_\_\_

Second by: \_\_\_\_\_

Requested by Finance Committee

I, Teresa L. Sandy, Clerk of Council do hereby certify that on \_\_\_\_\_, 2012 and \_\_\_\_\_, 2012 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

\_\_\_\_\_  
Clerk of Council