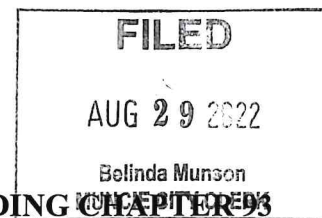


ORDINANCE NO ²⁹-22
**AN ORDINANCE OF THE CITY OF MUNCIE AMENDING CHAPTER 93
OF THE CITY OF MUNCIE CODE OF ORDINANCES**



WHEREAS, Division 1 of Chapter 93 of the City of Muncie Code of Ordinances regulates activity within Beech Grove Cemetery; and

WHEREAS, Division 1 of Chapter 93 of the City of Muncie Code of Ordinances was enacted in 1968 and has not been amended since 1976; and

WHEREAS, the Common Council desires to amend Division 1 of Chapter 93 of the City of Muncie Code of Ordinances to be consistent with changes in the Indiana Code and the current use of Beech Grove Cemetery; and

WHEREAS, the Board of Trustees of Beech Grove Cemetery have voted to request the Common Council make certain amendments to Division 2 of Chapter 93 of the City of Muncie Code of Ordinances governing its appointment of a Superintendent and election of Officers of the Board of Trustees to create more consistency with its current operations; and

WHEREAS, the Common Council desires to approve the amendments requested by the Board of Trustees of Beech Grove Cemetery.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA, THAT:

Section 1. The following sections of Division 1 of Chapter 93 of the City of Muncie Code of Ordinances are hereby amended to read as follows:

Sec. 93.01. – Dogs prohibited.

Dogs may enter the grounds of Beech Grove Cemetery so long as the dog always remains on a leash and under the control of the person bringing the dog onto the grounds.

Sec. 93.07 – Reserved.

Sec. 93.11 – Hunting

All persons are forbidden from hunting on the grounds of Beech Grove Cemetery.

Section 2. The following sections of Division 2 of the City of Muncie Code of Ordinances are hereby amended to read as follows:

Sec. 93.22. – Appointment; filling vacancies.

- (A) All members of the board of trustees shall be appointed by a majority vote of the Common Council, and all vacancies in the board of trustees shall be filled by the Common Council as soon as practicable after the occurrence of a vacancy.

- (B) The Common Council shall appoint trustee(s) to fill expiring terms during the January meeting of each year that a term is scheduled to expire.

Sec. 93.23. – Organization; meeting and attendance requirements; selection of superintendent.

- (A) The board of trustees shall hold a meeting in January of each year to organize and select a president, vice-president, secretary and treasurer of the board of trustees. The officers shall hold such office for a term of one (1) year.
- (B) During its first meeting on or after October 1st of each year, the board of trustees shall select a superintendent of Beech Grove cemetery.
- (C) The board of trustees shall meet monthly. Any member that fails to attend three (3) meetings in succession or fails to attend four (4) meetings in a calendar year may be removed from office by a majority vote of the Common Council and replaced in accordance with Sec. 93.22.

Section 3. Upon adoption, all new appointments to the board of trustees shall have terms that expire on January 1st of the fourth year following appointment. By way of example, a trustee appointed at the January 2027 meeting of the Common Council would have a four-year term expiring on January 1, 2031.

Section 4. The terms of all current appointments of the board of trustees (the last of which expire in 2026) shall still expire on April 1st of the year of expiration of his/her four (4) term, but the appointment to fill the expiring term shall be made by the Common Council during the first meeting of January of the year of expiration provided, however, that the new appointment shall not take office until April 1st of that year. By way of example, the trustees that were appointed in January 2022 shall serve as trustees until April 1, 2026, but the appointment to fill that vacancy shall be made at the January 2026 meeting of the Common Council and the appointment shall take office on April 1 of 2026.

Section 5. The substantive regulation set forth in Section 93.07 is deleted as such conduct is prohibited by Indiana Code § 35-43-1-2.1. However, the Section number 93.07 is specifically reserved for future use.

Section 6. This Ordinance shall take effect upon approval by the Mayor of the City of Muncie and any publication required by Indiana law.

Section 7. All other sections of Chapter 93 of the City of Muncie Code of Ordinances not specifically amended by this Ordinance shall remain unchanged.

Adopted by the Common Council of the City of Muncie this 3rd day of October, 2022.

	Yeas	Nays	Abstained	Absent
Jeff Green	<u>✓</u>	<u> </u>	<u> </u>	<u>✓</u>
Jeff Robinson	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Brandon Garrett	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Bradley Polk	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Jerry D. Dishman	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Roger Overbey	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Aaron Clark	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Troy A. Ingram	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Roza Selvey	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

[Signature]
President, Common Council

ATTEST:

[Signature]
Belinda Munson, City Clerk

Presented by me to the Mayor for his approval this 3 day of October, 2022.

[Signature]
Belinda Munson, City Clerk

The above Ordinance is approved/vetoed by me this 3 day of October, 2022.

[Signature]
Dan Ridenour, Mayor

This Ordinance is proposed by Council Member

[Signature]

This Ordinance is approved in form by Legal Counsel

[Signature]