

FILED

OCT 18 2021

Belinda Munson
MUNCIE CITY CLERK

ORDINANCE NO. 51 -21
AN ORDINANCE OF THE CITY OF MUNCIE AMENDING CHAPTER 93
OF THE CITY OF MUNCIE CODE OF ORDINANCES

WHEREAS, Division 2 of Chapter 93 of the City of Muncie Code of Ordinances governs the organization, selection and powers of the board of trustees of Beech Grove Cemetery; and

WHEREAS, Division 2 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 2 of Chapter 93 of the City of Muncie Code of Ordinances to expand the board of trustees and impose attendance requirements to ensure that Beech Grove Cemetery is operated and maintained in a proper manner; and

WHEREAS, the Common Council further desires to make additional amendments to Division 2 of Chapter 93 of the City of Muncie Code of Ordinances to be consistent with changes in the Indiana Code sections governing municipal cemeteries.

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 2 of Chapter 93 of the City of Muncie Code of Ordinances are hereby amended to read as follows:

Sec. 93.21. – Composition; terms of office.

The board of trustees created by Section 93.20 shall consist of seven (7) members. The term of office of each trustee shall be four (4) years, except that any trustee chosen to fill a vacancy occurring during the term of a trustee shall hold office only for the remainder of the unexpired term of his or her predecessor. Each trustee shall serve for the term for which he or she was chosen, and until his or her successor has been selected and qualified.

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 prior to April 1st 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 between April 1st and April 15th 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 April 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.

Sec. 93.24. – Bond of officers and employees.

Each officer and employee whose duty includes handling any funds in carrying out this chapter shall, in the manner prescribed in Ind. Code § 5-4-1, execute an official bond before beginning the duties of office or employment.

(State Law Reference: Ind. Code § 23-14-65-14)

Sec. 93.25. – Powers and duties of the board.

(A) The board of trustees may:

- (1) Make all necessary rules and regulations for the management of the cemetery or cemeteries over which it has control and management;
- (2) Sell lots or parts of lots at prices that the board considers reasonable;
- (3) Require payment for sales in cash, or partly in cash and the balance in deferred payments spread over a time the board considers reasonable;
- (4) Employ agents for the sale of cemetery lots or part of lots and pay the agents compensation for services that the board considers reasonable;
- (5) Employ all necessary superintendents, attorneys, engineers, and other employees and discharge them at the board's pleasure;
- (6) Collect and receive all money owed for the sale of lots, the care of lots, the care of graves, the digging of graves, and all other services rendered; and
- (7) Exercise any other powers provided to the board of trustees by Ind. Code § 23-14-65, as it may be amended from time to time.

(B) The board shall use and disburse the money received for the preservation, care, and improvement of the cemetery or cemeteries over which it has control and management.

(State Law Reference: Ind. Code § 23-14-65-15; Ind. Code § 23-14-65-17)

Sec. 93.26. – Acquisition of property by the board.

- (A) The board of trustees may purchase on behalf of the City of Muncie any other property for cemetery purposes that is located within five (5) miles from the corporate limits of the City of Muncie with the approval of the Common Council.
- (B) The board of trustees may, with the approval of the Common Council, purchase property that adjoins, or is located conveniently near a cemetery that is under the control of the board of trustees for additions to the cemetery. The property must be used, held, and managed in the same manner as the adjoining cemetery or cemeteries, but is subject to the approval of the Mayor and the Common Council.

(State Law Reference: Ind. Code § 23-14-65-18)

Sec. 93.27. – Annual financial report and annual budget.

- (A) During January of each year, the board of trustees shall make a report to the Common Council. The report must provide information on:
 - i. the financial condition of the cemetery; and
 - ii. the business done by the cemetery board during the previous year; and
 - iii. include a statement showing the receipts and expenditures of the cemetery for the year.
- (B) The board of trustees shall annually prepare a budget for the cemetery or cemeteries under its control in the same manner as other offices and departments of the City of Muncie prepare budgets. The budget of the cemetery is subject to review under the budget statutes applying to municipalities.
- (C) The board of trustees may not expend funds without prior appropriation by the Common Council. If the revenues of the cemetery are not sufficient to meet the:
 - i. current operating expenses; and
 - ii. amounts to be paid for the purchase of cemetery lands or other property;the deficiency in the revenues may be resolved through an appropriation from the general fund of the City.

(State Law Reference: Ind. Code § 23-14-65-19)

Sec. 93.28. – Awarding of contracts.

The board of trustees shall award contracts in accordance with Ind. Code § 5-16-1 and Ind. Code § 5-17-1.

(State Law Reference: Ind. Code § 23-14-65-20)

Sec. 93.29. – Eminent domain.

The board of trustees may exercise the power of eminent domain in accordance with Ind. Code § 23-14-65-21.

(State Law Reference: Ind. Code § 23-14-65-21)

Section 2. This Ordinance shall take effect upon approval by the Mayor of the City of Muncie and any publication required by Indiana law.

Section 3. Upon adoption, two (2) new members of the board of trustees shall be appointed by the Common Council for terms that shall commence on January 1, 2022 and terminate on April 1, 2026.

Section 4. All other sections of Division 2 of Chapter 93 of the City of Muncie Code of Ordinances not specifically amended by this Ordinance shall remain unchanged.

Passed by the Common Council of the City of Muncie, Indiana this 6th day of December, 2021.

	Yeas	Nays	Abstained	Absent
Jeff Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Robinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon Garrett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bradley Polk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jerry D. Dishman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anitra Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Aaron Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Troy A. Ingram	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ro Selvey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


 President, Common Council


ATTEST:


 Belinda Munson, City Clerk


Presented by me to the Mayor for his approval this 6 day of December, 2021.


 Belinda Munson, City Clerk

The above Ordinance is approved/vetoed by me this 6th day of December, 2021.


 Dan Ridenour, Mayor

This Ordinance is proposed by Council Member



This Ordinance is approved in form by Legal Counsel

