

BILL NO. 2883

ORDINANCE NO. _____

SPONSOR _____

AN ORDINANCE AMENDING CHAPTER 135 "CEMETERIES" TO ADD A NEW SECTION 135.045 ENTITLED "TRANSFERS OF GRAVES AND GRAVE LOTS."

WHEREAS, Chapter 214 of the Revised Statutes of Missouri, as amended, permits municipalities to hold real estate for use as cemeteries and to regulate the cemeteries within the municipality; and

WHEREAS, the Board of Aldermen of the City of Pacific, Missouri (the "City") wishes to amend Chapter 135 of the Municipal Code of the City (the "Municipal Code") to add a new section setting forth procedures for the transfer of graves or grave lots among private parties;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, AS FOLLOWS:

Section One: Chapter 135 of the Municipal Code, entitled "Cemeteries," is hereby amended by adding the following new Section 135.045 to read as follows:

SECTION 135.045: TRANSFERS OF GRAVES AND GRAVE LOTS

An owner of a grave or lot in any cemetery owned by the City may transfer ownership of the grave or lot either by gift or by sale to another party. No transfer or assignment of any grave or lot, or any part thereof, or any interest therein, by any grave or lot owner ("Owner") shall be valid, unless a court order or other law otherwise directs, unless and until the following steps are completed:

1. Owner shall submit to the Sexton a notarized affidavit (or use a form as may be prepared by the Sexton):
 - a. Stating the intention to dispose of the grave or lot and the name of the proposed purchaser or recipient of the grave or lot;
 - b. Stating that the Owner holds legal title to the grave or lot; and
 - c. Attaching the Owner's deed for the grave or lot.
2. Owner shall pay, to the extent permitted by law, a fee of \$25.00 to the City Collector to partly defray the City's costs in transferring the deed.
3. Upon determination that there are no unpaid fees related to the grave or lot and satisfaction of the requirements above, the Mayor shall cause the old deed to be voided and placed in the public record, and shall issue a new deed prepared by the City Clerk to and in the name of the new owner.
4. The Sexton shall record the transfer in the register of graves described in Section 135.060.

The new owner of the grave or lot may be buried in the grave or lot only if the new deed has been issued to the new owner at least one (1) working day prior to the scheduled burial. Failure to follow the steps set forth in this section may result in the loss of interment rights or a delay of the burial ceremony. Nothing in this Section is intended to alter any existing contractual or property rights.

Section Two. Except as specifically amended herein, Chapter 135 of the Municipal Code shall remain in full force and effect.

Section Three. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

This Bill was passed and approved this ___ day of _____, 2013, by the Board of Aldermen of the City of Pacific, Missouri, after having been read by title or in full two (2) times prior to passage.

Presiding Officer

Herbert C. Adams, Mayor

ATTEST:

City Clerk

City Clerk