

ORDINANCE NO. 1037

AN ORDINANCE ESTABLISHING UNIFORM REGULATIONS
WITH RESPECT TO THE INSTALLATION OF
MONUMENTS AND MEMORIALS IN THE EUREKA
SPRINGS CITY CEMETERY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS,
ARKANSAS:

SECTION 1. Applicability of Ordinance.

The provisions and regulations of this Ordinance shall apply to each and every natural person, group of natural persons, corporation, firm, partnership and sole proprietorship hereafter installing any monument or memorial in the Eureka Springs City Cemetery as said Cemetery is presently situated and as it may be differently situated hereafter.

SECTION 2. Definition of "Monument" and "Memorial".

The terms "monument" and "memorial", including both singular and plural forms, as used in this Ordinance, shall be construed to include any type of permanent grave marker or permanent plot marker hereafter installed in the Eureka Springs City Cemetery by any natural person, group of natural persons, corporation, firm, partnership or sole proprietorship. Temporary grave markers, intended to remain installed until the installation of a monument or memorial for not longer than one (1) year after the closing of the grave excavation, are expressly excluded from the provisions and regulations of this Ordinance.

SECTION 3. Regulations.

(a) The Superintendent of the Eureka Springs City Cemetery, to be designated by the Eureka Springs City Cemetery Commission, shall be notified and personally present at the Eureka Springs City Cemetery before any monument is installed and installation of each monument

shall be in substantial compliance with the instructions and directions of said Superintendent as to location of each installation.

(b) Each monument shall be set upon a concrete base of sufficient depth to support the weight of the monument perpetually, and the minimum footing for each monument shall be not less than six (6) inches deep.

(c) Foundations for each monument shall be not less than four (4) inches from the edge of the grave excavation and shall be aligned with the pre-existing monuments and memorials unless said Superintendent shall find, in writing, that compliance with this regulation is not practicable or that compliance herewith would constitute an unjustifiable hazard or hardship. All such written findings shall be dated, signed and promptly filed by said Superintendent with the Eureka Springs City Cemetery Commission.

(d) Monuments hereafter installed in such a manner as to result in the same leaning, sinking or changing position within five (5) years next after the installation thereof shall be deemed to have been installed at material variance with designated regulations (b) and (c), as stated above. In each such event, said Superintendent shall promptly notify the installer of such monument of such defect or defects by letter, certified mail with return receipt requested, and therein require the installer to correct such defect or defects within sixty (60) days after receipt of such notice at the expense of the installer. In the event that the installer fails or refuses to comply with any such request, the Eureka Springs City Cemetery Commission may cause said defect or defects to be corrected, provided that the original installer so notified shall be fully liable for the actual costs and expenses of such correction or corrections.

SECTION 4. Criminal Penalties.

Any natural person, group of natural persons, corporation, firm, partnership or sole proprietorship violating any provision of this Ordinance shall be deemed to have committed a misdemeanor and, upon a judicial finding of guilt, shall be subject to a fine of not more than \$500.00 nor less than \$250.00. Each violation of this Ordinance shall be deemed to constitute a separate offense.

SECTION 5. Severability.

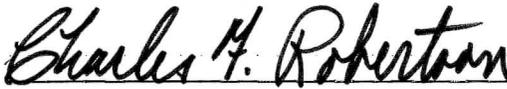
If a court of competent jurisdiction shall hold any phrase, sentence, paragraph or other part of this Ordinance to be unconstitutional or unenforceable, such holding shall not affect the remainder of this Ordinance, and each remaining part of this Ordinance shall thereafter continue to be in full force and effect.

SECTION 6. Repeal.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 24th DAY OF JUNE, 1978.

APPROVED:


CHARLES F. ROBERTSON, MAYOR

ATTEST:


JUNE I. MONCRAVIE, CITY CLERK-TREASURER

(SEAL OF THE CITY)

EMERGENCY DECLARED

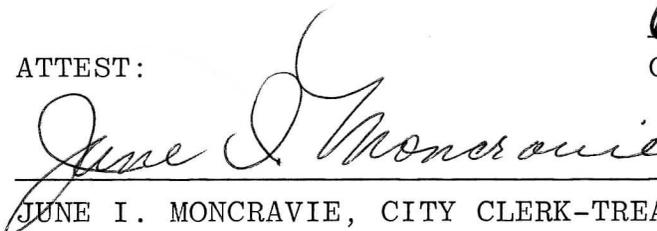
The City Council has found that it is imperative that the beauty and safety of the Eureka Springs City Cemetery be maintained and preserved and that the health, safety and welfare of the public shall be adversely affected if Ordinance No. 1039 does not take effect immediately. Therefore, an emergency is declared to exist and Ordinance No. 1039 shall be in full force and effect upon its publication according to law.

DECLARED ON THIS 24th DAY OF JUNE, 1978.

APPROVED:


CHARLES F. ROBERTSON, MAYOR

ATTEST:


JUNE I. MONCRAVIE, CITY CLERK-TREASURER

(SEAL OF THE CITY)