

ORDINANCE NO. 1071

AN ORDINANCE AMENDING TITLE 7 OF THE EUREKA SPRINGS MUNICIPAL CODE BY ADDING CHAPTER 7.52 THERETO FOR THE PURPOSES OF REQUIRING NOTICE TO BE GIVEN TO THE SUPERINTENDENT OF THE EUREKA SPRINGS CITY CEMETERY AND A GRAVE PREPARATION PERMIT TO BE OBTAINED FROM SAID SUPERINTENDENT PRIOR TO THE PREPARATION OF ANY GRAVE IN SAID CEMETERY, AND PROVIDING FOR THE PROMULGATION OF REASONABLE UNIFORM WRITTEN REGULATIONS WITH RESPECT THERETO.

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

Section 1. Title 7 of the Eureka Springs Municipal Code amended.

Title 7 of the Eureka Springs Municipal Code is hereby amended by adding Chapter 7.52 thereto, to read, in its entirety, as follows, to-wit:

Chapter 7.52

PERMITS FOR THE PREPARATION OF GRAVES IN THE EUREKA SPRINGS CITY CEMETERY

Sections:

- 7.52.01 Applicability of Chapter
- 7.52.02 Prior notice and permit required
- 7.52.03 Promulgation of regulations
- 7.52.04 Criminal penalties

7.52.01 Applicability of Chapter. The provisions and regulations of this chapter shall apply to each and every natural person, group of natural persons, corporation, firm, partnership and sole proprietorship hereafter preparing any grave for the burial of the physical remains of any deceased natural person in the Eureka Springs City Cemetery as said Cemetery is presently situated and as it may be differently situated hereafter.

7.52.02 Prior notice and permit required. The Superintendent of the Eureka Springs City Cemetery, to be designated by the Eureka Springs City Cemetery Commission, shall be notified prior to the commencement of preparation of any grave in said Cemetery for a burial by the preparer of such grave. Such preparation shall not be commenced by said preparer until a written and signed permit has been issued to said preparer by said Superintendent.

7.52.03 Promulgation of regulations. The Eureka Springs City Cemetery Commission may promulgate reasonable uniform written regulations, with respect to the preparation and closing of any grave in the Eureka Springs City Cemetery, which said Cemetery shall deem necessary for the preservation and maintenance of said Cemetery, and a copy of such regulations shall be made available to the preparer of any such grave upon the giving of the heretfore required notice. Said regulations shall have the force and effect of law.

7.52.04 Criminal penalties. Any violation of the provisions of Section 7.52.02 or of the regulations promulgated pursuant to Section 7.52.03 shall constitute a misdemeanor and, upon a judicial finding of guilt, a fine of not more than \$500.00 nor less than \$250.00 shall be assessable. Each such violation shall be deemed to constitute a separate offense.

Section 2. Severability.

Each word, phrase and sentence of this ordinance is hereby declared to be severable from each and every other word, phrase and sentence hereof. If a court of competent jurisdiction rules that any word, phrase and/or sentence of this ordinance is unenforceable or unconstitutional, such ruling shall not invalidate the remainder of this ordinance, and such remainder shall continue to be in full force and effect.

Section 3. Emergency declared.

The city council has found and hereby declares that this ordinance is essential to the health, safety and general welfare of the city and its inhabitants, that an emergency exists, and that this ordinance should take effect without delay. Therefore, this ordinance shall be in full force and effect upon its passage, approval and publication according to law.

PASSED AND ORDAINED, WITH THE EMERGENCY DECLARED SEPARATELY,
BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS
15th DAY OF JUNE, 1979.

APPROVED:

Marcile Davis
Marcile Davis, Mayor

ATTEST:

Vesta C. Johnson
Vesta Johnson, City Clerk/Treasurer

