

ORDINANCE NO. 1233

AN ORDINANCE AMENDING EUREKA SPRINGS MUNICIPAL
CODE SECTION 7.48 WITH RESPECT TO REGULATIONS
COVERING INSTALLATION OF MONUMENTS AND MEMORIALS
AND WORK IMPROVEMENTS IN THE EUREKA SPRINGS CITY
CEMETERY

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

SECTION I. Purpose.

Sections 7.48.03, 7.48.04 and 7.48.05 of the Eureka Springs Municipal Code are hereby amended to include the following paragraphs in full:

- 7.48.03 Regulations
- 7.48.04 Theft and/or Destruction of Property
- 7.48.05 Criminal Penalties

7.48.03 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 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, in Block #36 and in every newly opened Block in the Eureka Springs City Cemetery, shall be limited to grave markers and shall not exceed a width of 14 inches nor a length of 26 inches.

(e) Monuments, in Block #36 and in every newly opened Block in the Eureka Springs City Cemetery, shall be installed so as not to protrude above the surface of the ground.

(f) Flowers, shrubs and trees of a permanent nature are prohibited and will be removed.

(g) Curbs, walks, decorative rock, gravel, benches and above ground structures in Block #36 and in every newly opened Block in the Eureka Springs City Cemetery, shall be prohibited.

(h) Work/improvements within the cemetery grounds by any natural person, group of natural persons, corporation, firm, partnership or sole proprietorship shall be approved in advance by the Superintendent.

(i) 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.

7.48.04 Theft and/or Destruction of Property.

Theft and/or destruction of property within the cemetery grounds is a crime and violators will be punished to the full extent of the law.

7.48.05 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 II 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 force and effect.

Section III Repeal.

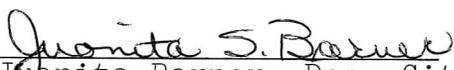
All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE
CITY OF EUREKA SPRINGS, ARKANSAS ON THIS 14TH
DAY OF JANUARY , 1986

APPROVED:


DONALD L. THURMAN, Mayor

ATTEST:


Juanita Barner, Dep. City Clerk-Treas.

(Amends Ordinance #1037 dated June 24, 1978.)