



# City of Grand Island

Tuesday, October 28, 2008

Council Session

## Item F3

**#9197 - Consideration Amendments to Chapters 10 and 22 of the Grand Island City Code Relative to Cemetery and Parking in Front Yards**

Staff Contact: Dale Shotkoski

# **Council Agenda Memo**

**From:** Wesley D. Nespor, Legal Department

**Meeting:** October 28, 2008

**Subject:** Amendments to Chapters 10 and 22 of the City Code

**Item #'s:** F-3

**Presenter(s):** Dale Shotkoski, City Attorney or Wesley D. Nespor, Attorney

## **Background**

The City Council adopted a goal to comprehensively review and update the City Code. These proposed revisions are part of that process.

## **Discussion**

The changes to Chapter 10 clarify provisions relating to designated cemetery grounds and the role of the cemetery superintendent. There is also a change relating to the distance between markers to coincide with actual practice. Chapter 22 has a minor revision to harmonize it with a change in numbering in the zoning code. A red-line version of the changes follows:

### **§10-1. Cemetery – Defined**

The city cemetery shall consist of all those certain tracts, lots, and parcels of land described as the Grand Island City Cemetery by Ordinance No. 3690, a copy of which is on file in the office of the city clerk, and all lands acquired after the passage of Ordinance No. 3690 and designated as cemetery grounds by the Mayor and City Council.

### **§10-2. Administration**

(A) The Parks and Recreation Director shall have the general care, management and supervision of the city cemetery.

(B) The City may employ a cemetery superintendent under the direction of the Parks and Recreation Director. The cemetery superintendent shall have such general supervisory authority over the daily operations of the cemetery as is delegated by the Parks and Recreation Director or granted by the Mayor and City Council. The Parks and Recreation Director shall perform the duties of the cemetery superintendent during any period that the superintendent is absent or such position is vacant.

(C) ~~and~~ The city council shall have the power and authority to adopt such rules and regulations as may be required therefor, and may repeal or amend the same at pleasure; provided, however, that no such rule or regulation shall become operative until a copy thereof shall have been filed with the city clerk.

**§10-17. Tombstones, Monuments, Copings, etc.**

No tombstone, monument, gravemarker or vases shall be erected in the city cemetery except those that meet the approval of the cemetery and the following provisions:

- (1) All markers in the South Block of Section J shall be set flush with the turf.
- (2) A minimum five-inch wash shall be used on all new or reset stone or monument work, and all spaces of ~~30~~24 inches or less between stones or monuments shall be filled with concrete on new or reset work.
- (3) No stone or monument shall extend beyond the property boundary of the lot owner.
- (4) No lot or grave copings, curbs, or above-ground corner stones shall be constructed within the cemetery.
- (5) All new foot stones shall be set flush with the turf, except to match existing above-ground foot stones on the same lot.
- (6) Permanent vases shall not be allowed in alleys in front of stones or monuments, nor shall they be allowed on the grave side of an individual pre-need marker. Permanent vases shall only be allowed on the ends of stones or monuments in Sections M, N and P of the cemetery.
- (7) It shall be the responsibility of the lot owner to reset any stones, monuments, or vases removed by the cemetery to allow room for a burial.
- (8) The maximum width of any stone or monument, including the wash, shall be 26 inches. No stone or monument requiring more than 26 inches for width shall be delivered to the cemetery without the prior written approval of the cemetery superintendent.

**§22-141.1. Parking In Front Yards**

It shall be unlawful for anyone to park a motor vehicle on any unimproved area of a front yard of any property in the city of Grand Island. For the purpose of this section, "unimproved area" shall mean any area that has not been improved with concrete, asphalt, brick, stone, gravel, or crushed rock. The term "motor vehicle" shall mean every self-propelled land vehicle, not operated on rails, except mopeds or self-propelled invalid chairs. No front yard area shall be improved for parking unless it meets all of the requirements of the Grand Island City Code for off-street parking, including but not limited to, the provisions of ~~Chapter 36~~Section 36-48.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Take no action
3. Postpone the issue to future date

## **Recommendation**

City Administration recommends that the Council approve the amendments to Chapters 10 and 22 of the City Code.

## **Sample Motion**

Move to approve the ordinance amending Chapters 10 and 22 of the City Code.

## ORDINANCE NO. 9197

An ordinance to amend Grand Island City Code Section 22-141.1 regarding parking in front yards to harmonize it with the Zoning Code; to amend Section 10-1 relating to cemetery grounds; to amend Section 10-2 relating to the duties of the Cemetery Superintendent; to amend Section 10-17 relating to spaces between cemetery stones; to repeal sections in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF  
GRAND ISLAND, NEBRASKA:

SECTION 1. Section 10-1, 10-2 and 10-17 of the Grand Island City Code are amended to read as follows:

### **§10-1. Cemetery – Defined**

The city cemetery shall consist of all those certain tracts, lots, and parcels of land described as the Grand Island City Cemetery by Ordinance No. 3690, a copy of which is on file in the office of the city clerk, and all lands acquired after the passage of Ordinance No. 3690 and designated as cemetery grounds by the Mayor and City Council.

### **§10-2. Administration**

(A) The Parks and Recreation Director shall have the general care, management and supervision of the city cemetery.

(B) The City may employ a cemetery superintendent under the direction of the Parks and Recreation Director. The cemetery superintendent shall have such general supervisory authority over the daily operations of the cemetery as is delegated by the Parks and Recreation Director or granted by the Mayor and City Council. The Parks and Recreation Director shall perform the duties of the cemetery superintendent during any period that the superintendent is absent or such position is vacant.

(C) The city council shall have the power and authority to adopt such rules and regulations as may be required therefor, and may repeal or amend the same at pleasure; provided, however, that no such rule or regulation shall become operative until a copy thereof shall have been filed with the city clerk.

### **§10-17. Tombstones, Monuments, Copings, etc.**

No tombstone, monument, gravemarker or vases shall be erected in the city cemetery except those that meet the approval of the cemetery and the following provisions:

- (1) All markers in the South Block of Section J shall be set flush with the turf.

ORDINANCE NO. 9197 (Cont.)

(2) A minimum five-inch wash shall be used on all new or reset stone or monument work, and all spaces of 30 inches or less between stones or monuments shall be filled with concrete on new or reset work.

(3) No stone or monument shall extend beyond the property boundary of the lot owner.

(4) No lot or grave copings, curbs, or above-ground corner stones shall be constructed within the cemetery.

(5) All new foot stones shall be set flush with the turf, except to match existing above-ground foot stones on the same lot.

(6) Permanent vases shall not be allowed in alleys in front of stones or monuments, nor shall they be allowed on the grave side of an individual pre-need marker. Permanent vases shall only be allowed on the ends of stones or monuments in Sections M, N and P of the cemetery.

(7) It shall be the responsibility of the lot owner to reset any stones, monuments, or vases removed by the cemetery to allow room for a burial.

(8) The maximum width of any stone or monument, including the wash, shall be 26 inches. No stone or monument requiring more than 26 inches for width shall be delivered to the cemetery without the prior written approval of the cemetery superintendent.

SECTION 2. Section 22-141.1 of the Grand Island City Code is amended to read as follows:

**§22-141.1. Parking In Front Yards**

It shall be unlawful for anyone to park a motor vehicle on any unimproved area of a front yard of any property in the city of Grand Island. For the purpose of this section, "unimproved area" shall mean any area that has not been improved with concrete, asphalt, brick, stone, gravel, or crushed rock. The term "motor vehicle" shall mean every self-propelled land vehicle, not operated on rails, except mopeds or self-propelled invalid chairs. No front yard area shall be improved for parking unless it meets all of the requirements of the Grand Island City Code for off-street parking, including but not limited to, the provisions of Chapter 36.

SECTION 3. Section 10-1, 10-2, 10-17, and 22-141.1 as existing prior to this amendment, and any ordinances or parts of ordinances in conflict herewith, are repealed.

SECTION 4. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

ORDINANCE NO. 9197 (Cont.)

SECTION 5. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: October 28, 2008.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk