

TITLE 2

BOARDS AND COMMISSIONS, ETC.¹

CHAPTER

1. WELCH MEMORIAL CEMETERY.
2. CIVIL DEFENSE ORGANIZATION.
3. HISTORIC DEPOT MUSEUM BOARD.

CHAPTER 1

WELCH MEMORIAL CEMETERY

SECTION

- 2-101. Welch Memorial Cemetery Commission created.
- 2-102. Residence requirements for commission members.
- 2-103. Appointment and tenure of commissioners.
- 2-104. Lot prices.
- 2-105. Use of funds.
- 2-106. Cemetery regulations.
- 2-107. Meetings, organization, powers, and duties, etc., of the commission, clerk, etc.
- 2-108. Superintendent's duties and compensation.
- 2-109. Clerk's duties and compensation.
- 2-110. Violations.

2-101. Welch Memorial Cemetery Commission created. There is hereby created a commission of three (3) members to be known as the "Welch Memorial Cemetery Commission" to have charge of the operation and maintenance of the Welch Memorial Cemetery heretofore conveyed by deed of gift from George N. Welch and wife, Effie Welch, to the Board of Mayor and Aldermen of Monterey as a memorial to John W. Welch, the father of George N. Welch, and including such additional lands adjacent to or near said cemetery as may have been or may hereafter be required by said town for the purpose of becoming a part of Welch Memorial Cemetery. (1980 Code, § 12-501)

2-102. Residence requirements for commission members. Any person to be appointed as a member of the commission shall either be a resident of the Town of Monterey, Tennessee, or a resident of the Monterey community

¹Municipal code reference:

Boards of adjustments and appeals: title 12, chapter 8.

Board of zoning appeals: title 14, chapter 11.

which is herein defined as all of the area surrounding said town that is within five (5) miles of the corporate limits thereof. (1980 Code, § 12-502)

2-103. Appointment and tenure of commissioners. The three (3) commissioners shall be appointed by the Mayor of Monterey with approval of the board of mayor and aldermen for terms of six (6) years, except that the terms of the first three (3) commissioners shall be for two (2), four (4), and six (6) years so that the term of one (1) commissioner shall expire every two (2) years. The terms of the first three (3) commissioners shall begin on January 10, 1960, and the term of one (1) commissioner shall expire on January 10 of even years thereafter with a successor to be appointed by the person holding the office of Mayor of Monterey on such date subject to approval of the board of mayor and aldermen, all commissioners to continue in office until their successors are appointed unless removed for cause. All vacancies on the commission shall be filled in the same manner as provided herein for appointments for the full term. (1980 Code, § 12-503)

2-104. Lot prices. The cemetery has been surveyed and laid off in sections and lots as shown by plat of record in the recorder's office. The following schedule of minimum prices for lots is adopted subject only to the exceptions hereinafter set forth, to take effect the first day of October, 2017.

The lots which are to be sold at a minimum of four hundred dollars (\$400.00) per lot, except as hereinafter provided, are designated and located in the following sections:

X-4, X-5, X-6, A-3, A-4, A-5, A-6, A-7, B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, C-10, C-11, D-1, D-2, D-3, D-4, D-5, D-6, D-7, D-8, D-9, D-10, D-11, D-12, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, F-10, F-11, F-12, F-13, F-14, F-15, G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, H-5, H-6, H-7, H-8, H-9, H-10, H-11, H-12, H-13, H-14, H-15, H-16, H-17, I-8, I-9, I-10, I-11, I-12, I-13, I-14, I-15, I-16, I-17, I-18, I-19, J-8, J-9, J-10, J-11, J-12, J-13, J-14, J-15, J-16, J-17, K-9, K-10, K-11, K-12, K-13, K-14, L-10, L-11, L-12, L-13, L-14, M-12.

Lots for which no charges are to be made, but for which receipts are to be issued one (1) at a time when needed in order that a permanent record be kept, are designed and located in the following sections.

H-18, I-18, I-19, J-18, J-19, J-20, K-17, K-18, L-15, L-16, L-17, M-13, M-14, M-15.

A total of four hundred ninety-eight (498) lots.

The commission shall, from time to time, review the schedule of lot prices and, when any change is deemed necessary or advisable, shall make recommendations to the mayor and board of aldermen covering such changes.

(Ord. #352, Aug. 1996, as replaced by Ord. #420, Dec. 2003, and Ord. #17-540, Aug. 2017 *Ch9_10-5-20*)

2-105. Use of funds. (1) A minimum of fifty percent (50%) of the gross proceeds of the sale of lots shall be placed in an account to be designated as "Welch Memorial Cemetery-Perpetual Care Fund" for the perpetual care and maintenance of the cemetery. Such funds shall be transferred from the regular or general cemetery account at least once each year and more often if authorized by the commission. The commission, in its discretion, may transfer to such perpetual care fund from time to time such additional monies as may be in the regular or general cemetery fund that in its judgment are not needed for current operation and maintenance. As often as one thousand dollars (\$1,000.00) is accumulated in the perpetual care fund, the same shall be invested by the commission in high grade securities which meet the requirements of investments of a ward's funds by guardians under Tennessee law. Unless such investment shall be approved by all three (3) commissioners, it shall be approved by the mayor and two (2) commissioners before it is made.

(2) The expenses of operating, maintaining, and improving the cemetery shall be paid from the regular cemetery fund which shall be designated "Welch Memorial Cemetery-General Fund," and derived from the remainder of the proceeds from the sale of lots and from the income from investments made as herein above provided.

(3) In the event the board of mayor and aldermen deems it advisable to purchase additional lands to be incorporated in said cemetery, they may authorize the sale of not more than twenty-five percent (25%) of the securities purchased from the "Perpetual Care Fund" for such purchase, but such a sale of securities may not be made more often than once every ten (10) years. Monies on deposit in the cemetery general fund may also be used for such purchases of land when authorized by the board of mayor and aldermen. (1980 Code, § 12-505)

2-106. Cemetery regulations. The following regulations are hereby adopted:

(1) It shall be unlawful for any person to dig or cause to be dug any grave in the cemetery unless or until a proper certificate of ownership has been issued by a clerk of the cemetery, as hereinafter provided, and it shall also be unlawful for the clerk to issue such certificate until the purchase price of the lot or lots is paid in full.

(2) It shall be unlawful for the superintendent of the cemetery, who is to be appointed by the commission as hereinafter provided, to permit any grave to be dug or any person to be buried in the cemetery unless and until a proper certificate of ownership has been issued by the clerk.

(3) It shall be unlawful for any person to dig or cause to be dug any grave in said cemetery or to bury any person therein without first obtaining a permit in writing from the superintendent of the cemetery.

(4) It shall be unlawful for any person to erect or place or cause to be erected or placed any monument or marker in said cemetery without first obtaining a permit in writing from the superintendent of said cemetery.

(5) Title 20, chapter 1 in this code includes municipally owned cemeteries in its regulations, and shall apply to Welch Memorial Cemetery.

(6) It shall be the duty of the superintendent of the cemetery and of the cemetery commission to report any violation of said chapter 1 in title 20 and also any violation of the regulations herein above set forth to the board of mayor and aldermen promptly upon the occurrence of such violations.

(7) The cemetery commission is authorized and empowered to adopt such further regulations for the operation and maintenance of the cemetery as it deems necessary and advisable, including regulations restricting and prohibiting the planting of shrubs, flowers, or trees, the placing or installing of any structure or object in said cemetery except suitable monuments or markers, and the size and dimensions of such monuments or markers may be limited and restricted as the commission may see fit. The commission may also adopt such other regulations as it may consider necessary and proper from time to time.

All of the certificates of ownership heretofore issued for lots in the cemetery as well as those to be hereafter issued have provided and shall hereafter provide that the lots may be used for burial of the dead subject to such rules and regulations as the board of mayor and aldermen may impose and the use of all lots heretofore sold as well as those to be hereafter sold is subject to the laws and regulations contained herein and those which may be adopted by the commission pursuant to the authority herein granted. (1980 Code, § 12-506)

2-107. Meetings, organization, powers, and duties, etc., of the commission, clerk, etc. (1) The commission shall hold quarterly meetings, the first such meeting to be held on the second Tuesday in January, 1960, and subsequent meetings to be held on the second Tuesday of April, July, October, and January thereafter. The chairman of the commission shall have the power to call special meetings at any time.

(2) At its January meeting of even years beginning in 1960, the commission shall select one (1) of its own members as chairman to serve for the succeeding two (2) year period. The commission shall also appoint a suitable person to act as clerk of the cemetery who may or may not be a member of the commission to serve for a like period of two (2) years. The commission shall also elect or appoint a suitable person to serve as superintendent for a similar term of two (2) years and such person so elected shall not be himself a member of the commission.

(3) The commission is hereby given general supervisory powers over the Welch Memorial Cemetery and shall have the authority to procure such

materials and employ such labor as may be deemed necessary or advisable for the proper operation and maintenance of the cemetery. The commission shall also from time to time make recommendations to the board of mayor and aldermen concerning improvements of the cemetery and to make such improvements when approved by the board of mayor and aldermen. All checks or warrants drawn on either of the funds of said cemetery shall be signed by the clerk of the cemetery and countersigned by the Mayor of Monterey, Tennessee.

(4) At its first meeting the commission shall adopt appropriate by-laws applicable to the procedure to be used in its meetings and other official acts.

(5) It shall be the duty of the commission to keep and maintain the cemetery in a proper manner by planting grass, keeping it mowed, removing debris and doing all other acts necessary for keeping the cemetery neat and clean in appearance and free from defects, through its superintendent and such other employees as it may from time to time select.

(6) It shall be the duty of the commission and particularly the clerk of the cemetery to keep an accurate record of all transactions, receipts, and disbursements pertaining to the cemetery and to make an annual report to the board of mayor and aldermen of all such matters. Said report to be submitted in writing at the first meeting of the board of mayor and aldermen held in January of each year. (1980 Code, § 12-507)

2-108. Superintendent's duties and compensation. It shall be the duty of the superintendent of the cemetery to take active charge of the care and maintenance thereof under the direction of the commission, to issue the permits for burial and erection of monuments as herein above provided and to show lots to prospective purchasers, obtaining the block and lot numbers of the lots to be purchased and submit them to the clerk in order that certificates of ownership can be properly issued upon payment of the purchase price. The superintendent shall receive as compensation ten percent (10%) of the proceeds of lots sold during his term of office. A sale shall be deemed to have been made only when a certificate is issued for sale of such lots. (1980 Code, § 12-508)

2-109. Clerk's duties and compensation. (1) A record of the sale and ownership of each lot shall be kept by the clerk in a bound book such as is commonly used by corporations for stock records, and the clerk shall issue to the owner of each lot when paid for an appropriate certificate of ownership, which certificate may be surrendered to be split up into one (1) or more certificates in order to make it easy for an owner to sell if he so desires a part of his lot, and to transfer a part of the same to some friend or member of his family. A record of said split certificate shall likewise be kept by said clerk in said bound book to the end that all parties owning lots or parts of lots in the cemetery may at all times be readily ascertained and determined. Transfers of lots may be made only on the records of the clerk of the cemetery.

(2) It shall also be the duty of the clerk to keep the minutes of all meetings of the commission and the financial records of the cemetery and to make an annual report to the board of mayor and aldermen and also such other reports that the commission may from time to time require. It shall be the duty of the clerk to keep proper and adequate records of all persons buried in the cemetery and the date of interment. The clerk shall also keep adequate records of lots previously sold in order that there may be no duplicate sale of lots in the cemetery. The clerk shall receive ten percent (10%) of the gross proceeds from the sale of lots for all certificates issued by him. Before entering the duties of his office, the clerk shall provide a good and solvent bond in an amount of not less than two thousand five hundred (\$2,500.00) to be conditioned upon the proper accounting of funds in his hands and the faithful discharge of his duties as clerk, said bond to be approved by the commission. If in its judgment a higher bond is required, the commission may raise the amount of such bond. (1980 Code, § 12-509)

2-110. Violations. Any violation of the terms of this chapter is hereby declared to be a misdemeanor and the offender, upon conviction, shall be fined under the general penalty clause for this code. (1980 Code, § 12-510)

CHAPTER 2

CIVIL DEFENSE ORGANIZATION

SECTION

2-201. Civil defense organization created.

2-202. Authority and responsibilities.

2-203. Office of director, his authority and responsibility.

2-204. Monterey Civil Defense Corps created.

2-205. No municipal or private liability.

2-206. Expenses of civil defense.

2-201. Civil defense organization created. Pursuant to the authority granted by Tennessee Code Annotated, §§ 58-2-101, et seq., there is hereby created the Monterey Civil Defense Organization, which shall be an operation by the Town of Monterey, for the purpose of organizing and directing civil defense for the citizens of the entire town. All other civil defense agencies within the corporate limits of Monterey shall be considered as a total part of the town-wide civil defense emergency resources, and when such agencies operate out of its corporate limits it shall be at the direction of, subordinate to, and as a part of the Monterey civil defense. (1980 Code, § 1-901)

2-202. Authority and responsibilities. (1) Authority. In accordance with federal and state enactments of law, the Monterey Civil Defense Organization is hereby authorized to assist the regular government of the town and governments of all political subdivisions therein, as may be necessary due to enemy caused emergency or natural disasters, including, but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, drought, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare, and property of the citizens of Monterey. The Monterey Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Monterey Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

(2) Responsibilities. The Monterey Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Monterey, to establish and co-ordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1980 Code, § 1-902)

2-203. Office of director, his authority and responsibility.

(1) Primary authority. (a) The office of the Director of Civil Defense is hereby created. The director shall have the authority to request the

declaration of the existence of an emergency by the mayor or by higher authority as appropriate.

(b) The director shall have overall responsibility for the preparation of all plans, recruitment, and training of personnel. All local civil defense plans will be in consonance with state plans and shall be approved by the state civil defense office.

(c) The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this chapter, subject to the approval of the mayor.

(2) Responsibility of the director. The director shall be responsible to the mayor of the town for the execution of the authorities, duties, and responsibilities of the Monterey Civil Defense Organization, for the preparation of all plans and administrative regulations, and for recruitments and training of personnel. (1980 Code, § 1-903)

2-204. Monterey Civil Defense Corps created. The Monterey Civil Defense Corps is hereby created. The corps shall be under the direction of the Director of Civil Defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the Civil Defense Emergency Plan. (1980 Code, § 1-904)

2-205. No municipal or private liability. The duties prescribed in this document are an exercise by the town of its governmental functions for the protection of the public peace, health, and safety, and neither the Town of Monterey, the agents and representatives of said town, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with, or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to person or property as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission or for loss of or damage to the property of such person. (1980 Code, § 1-905)

2-206. Expenses of civil defense. No person shall have the right to expend any public funds of the town in carrying out any civil defense activities authorized by this chapter without prior approval by the board of mayor and aldermen; nor shall any person have any right to bind the town by contract, agreement, or otherwise without prior and specific approval by the board of mayor and aldermen. The Civil Defense Director shall disburse such monies as

may be provided annually by appropriation of the town for the operation of the Civil Defense Organization. Control of disbursements will be as prescribed by agreement between the treasurer of the town. He shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the town. All funds shall be disbursed upon vouchers properly executed by the Director of Civil Defense, subject to audit by the Town of Monterey. The Civil Defense Director is hereby authorized to accept federal contributions in money, equipment, or otherwise, state contributions, and is further authorized to accept contributions to the Civil Defense Organization for individuals and other organizations, such funds becoming liable for audit by the town. (1980 Code, § 1-906)

CHAPTER 3

HISTORIC DEPOT MUSEUM BOARD

SECTION

2-301. Creation and appointment of new advisory board.

2-302. Administration.

2-303. Duties and responsibilities.

2-304. Deleted.

2-301. Creation and appointment of new advisory board. There is hereby created and established a Monterey Historic Depot Museum Board. Said board shall initially consist of the mayor, a member of the board of mayor and aldermen to be appointed by the mayor and board of aldermen and the Monterey Cultural Administrator. Upon the initial meeting, these three (3) members shall appoint two (2) citizen appointees, one (1) citizen for two (2) years and one (1) for three (3) years, and which these two (2) citizens shall not be a Town of Monterey board member or an employee for the Town of Monterey. (as added by Ord. #468, Aug. 2009, and replaced by Ord. #12-506, March 2012)

2-302. Administration. The historic depot museum board shall conduct its meetings in accordance with open meeting laws of the state and keep official minutes. The mayor shall ensure that adequate administrative support is carried out to meet the below duties and responsibilities of the historic depot museum board. (as added by Ord. #468, Aug. 2009, as replaced by Ord. #12-506, March 2012)

2-303. Duties and responsibilities. The duties of the historic depot museum board should be to make overall recommendations to the board of mayor and aldermen and to present a budget sixty (60) days before the commencement of the fiscal year. Said budget should contain projected revenues from sales of memorabilia and services and projected expenditures related to maintenance and operations of the museum. Budget should be self-balancing and all monies are property of the Town of Monterey. Upon approval of the budget, the historic depot museum board shall adhere to all municipal and state related rules governing purchasing and budgeting. (as added by Ord. #468, Aug. 2009, as replaced by Ord. #12-506, March 2012)

2-304. [Deleted]. (as added by Ord. #468, Aug. 2009, and deleted by Ord. #12-506, March 2012)