

TITLE 20

MISCELLANEOUS

CHAPTER

1. CITY CEMETERIES.
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CHAPTER 1

CITY CEMETERIES

SECTION

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20-101. City cemetery additions designated. The city cemetery additions shall be designated as follows:

(1) Old addition. This addition shall comprise all of the addition to the Eastview Cemetery generally bounded as follows: On the north by property formerly owned by Mrs. P. C. Ford, designated as the Perpetual Care addition and now owned by the City of Union City; on the south by the L & N Railroad; on the east by the East Addition to Eastview Cemetery; and, on the west by South Miles Avenue.

(2) Perpetual Care addition. This area (former new addition) consists of property acquired by the City of Union City from Mrs. P. C. Ford and J. P. O'Bannon, and is generally bounded as follows: On the north by East Church Street; on the south by the Old and East Additions to Eastview Cemetery; on the east by South Sunswept Drive; and, on the west by South Miles Avenue.

(3) East addition. This area is generally bounded as follows: On the north by the Perpetual Care Addition; on the south by the L & N Railroad; on the east by South Sunswept Drive; and, on the west by the Old Addition to Eastview Cemetery. (1963 Code, § 12-201)

20-102. General regulations for cemeteries. The following regulations shall be enforced in the operation and maintenance of the city cemeteries and all cemetery deeds issued by the city shall make due and proper reference to these regulations:

- (1) No cemetery lot shall be used for any other purpose than for burial of the dead.
- (2) The grades of all lots shall be determined by the city council.

(3) Proprietors of lots in the Perpetual Care Addition will be entitled to bury anyone in the lot owned by them. Proprietors of lots in the Old and East Additions may bury anyone upon their lots, subject to non-resident burial regulations adopted by the city.

(4) No disinterments shall be permitted or allowed without the written consent or permit of the city council.

(5) No trees shall be planted on any of the lots. All shrubs or plants placed on cemetery lots must have the prior approval of the city cemetery sexton or the city council, and proprietors must maintain and care for such shrubs and plants placed upon their lots. Should any plants or shrubs or present trees become detrimental to adjacent lots, avenues, walks or drives, or dangerous or inconvenient to visitors, they shall be removed.

(6) Persons purchasing lots in the new addition to the Eastview Cemetery shall be restricted in the construction of tombstones on those sections consisting of eight (8) grave lots as follows: Only one (1) central tombstone, monument or other sepulchral structure shall be constructed. However, in addition, individual, flat-type name markers may be constructed at each individual grave within the section.

(7) Proprietors of other lots within the new addition or any other additions to the cemetery shall have the right, under the superintendency of the cemetery sexton, to erect tombstones, monuments and other sepulchral structures on their respective lots. However, should any inscription, effigy or structure be deemed by the city council as unfitting or improper, or not conducive to the beauty and attractiveness of the cemetery, it shall be removed.

(8) No fence or wall shall hereafter be erected upon any cemetery lot and no slabs or corner markers shall rise above the level of the ground.

(9) In order that the city may at all times have a permanent record of the ownership of all cemetery lots, it shall be unlawful for any person, firm or corporation owning a cemetery lot in any of the additions to the Eastview Cemetery to sell, transfer or convey the same without obtaining the prior, written consent of the city council.

(10) All workmen employed in the cemetery are and shall be subject to the control and direction of the city council in regard to such work. Any workman failing and refusing to be so governed and controlled shall be ejected from the cemetery and shall not again be permitted to work therein.

(11) A rigid grave liner shall be required with any burial that takes place in any cemetery owned or maintained by the City of Union City. The grave liner shall be of such material as to withstand the weight and the pressure of the earth around it and of such material as will not deteriorate because of soil, moisture and water. The liner shall be constructed in concrete with the walls having a minimum thickness of 1 5/16 inches reinforced with wire and the top having a minimum thickness of 2 1/4 inches reinforced with wire and steel rods so that the casket will be completely enclosed. In lieu of a concrete liner, a

metal box or a vault having the characteristics theretofore described may be used. (1963 Code, § 12-202, as amended by Ord. #16-93, June 1993)

20-103. "Union City Perpetual Care Cemetery Board." There is hereby created a supervisory board known as the "Union City Perpetual Care Cemetery Board," consisting of three members. One member shall be the mayor and his term of office on the board shall terminate with his term of office as mayor. The other two members shall be appointed by the mayor with the approval of the city council and shall be residents and property owners of the city. Such appointed members shall serve for a period of four (4) years, except that of the first two (2) members so appointed one (1) shall serve for two (2) years and the other for four (4) years. The terms of office of the two (2) appointed members shall run from January 1st to December 31st, the initial appointments to be retroactive to January 1, 1955.

The board shall hold its first meeting within ten (10) days after being appointed and at its first meeting a chairman and vice chairman shall be elected, with the mayor to serve as the secretary and treasurer of the board. The board shall meet not less than twice each year; provided, however, that it may hold special meetings upon the call of the chairman or any two (2) members. The board shall adopt a set of bylaws for its operation.

Once each year, during the month of January, the board shall make a report to the city council as to its activities and particularly as to the status of the trust fund. (1963 Code, § 12-203)

20-104. Trust fund for perpetual maintenance of grave lots. There shall be set up a permanent trust fund for the perpetual maintenance of the grave lots within the new cemetery addition. The trust fund shall be handled and supervised by the "Union City Perpetual Care Cemetery Board." The trust fund shall be created by placing twenty-five dollars (\$25.00) of the sum received for each cemetery lot sold in the new addition to the Eastview Cemetery in what shall be designated as the "cemetery trust fund." Said fund shall be invested by and under the direction of the cemetery board and the income therefrom shall be perpetually used for the maintenance, preservation and improvement of the cemetery grounds and lots in said new addition to the Eastview Cemetery.

Any person or groups of persons owning four (4) or more contiguous blocks of eight (8) grave plots in the old or colored cemeteries may, upon petition to the board, and upon payment into the trust fund of the sum of twenty-five dollars (\$25.00) per grave plot, qualify for perpetual care and maintenance of their grave plots.

The sum to be paid into the trust fund on any lot for the perpetual care of the same shall not be less than twenty-five dollars (\$25.00) per grave plot. The board shall not be empowered to designate the price for city cemetery lots, such prices to be determined by the city council.

The trust fund shall only be invested in investments approved by the state legislature, as provided by the statutes of this state for guardians and administrators. All checks drawn against the trust fund must be countersigned by the mayor and one other member of the board. The principal of the trust fund shall not be encroached upon. The interest alone from the trust fund shall be used in the maintenance of the perpetual maintenance grave plots. If, at the end of any year, the board has not expended all of the income from the trust fund, the board may place such unused interest in the principal fund. (1963 Code, § 12-204)

20-105. Maintenance under this chapter to be supplementary. It is not the purpose of this chapter, in the creation of the Union City Perpetual Care Cemetery Board, to leave the entire maintenance and care of "perpetual maintenance cemetery lots" in the hands of said board. Such cemetery lots shall be entitled to the same general maintenance and care as is provided by the city for other cemetery lots within the city cemeteries. The perpetual care trust fund shall be used by the board in supplementing city maintenance and care of said graves. (1963 Code, § 12-205)

CHAPTER 2

FALSE EMERGENCY ALARMS

SECTION

20-201. Definitions.

20-202. Alarm permit.

20-203. Violation.

20-204. Schedule of notices and fees.

20-205. Exemptions.

20-201. Definitions. As used in this chapter, such words and phrases shall have the following meanings:

(1) "Alarm business" means the business by an individual, partnership, corporation, or other entity, of selling, leasing, servicing, repairing, altering, replacing, moving, installing, or monitoring an alarm system at an alarm site.

(2) "Alarm permit" means a permit issued by the city allowing the operation of an alarm system within the city.

(3) "Alarm site" means a single premises of location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex shall be considered a separate alarm site.

(4) "Alarm system" means any device designed for the detection of unauthorized entry on or into any building, place or premises, or for alerting others of the commission of an unlawful act, or both, and when activated causes an audible and/or visual signal or transmits a signal or message to which law enforcement, fire prevention, or other emergency personnel are expected to respond or which would imply to a reasonable person that such personnel are needed at the alarm source.

(5) "Alarm user" means any person, firm, partnership, company, association, corporation, or owner, tenant, or lessee or their representative, or premises on which an alarm is installed, maintained, or utilized.

(6) "False alarm" means the activation of an alarm system resulting in a response by law enforcement, fire prevention, or emergency personnel of the City of Union City to the building, place or premises on which the alarm system is located when such responding personnel finds no evidence of an unauthorized entry, criminal act or attempted criminal act, fire, or other emergency situation. An alarm dispatch request which is cancelled by the alarm business or the alarm user prior to the time the responding personnel arrive at the alarm site shall not be considered a false alarm.

(7) "Monitoring" means the process by which an alarm business receives signals from alarm systems and relays an alarm dispatch request to the City of Union City for the purpose of summoning law enforcement, fire

prevention, or emergency personnel to the alarm site. (as added by Ord. #53-07, Feb. 2007, and replaced by Ord. #83-09, July 2009)

20-202. Alarm permit. No person shall use an alarm system without first obtaining a permit for such alarm system from the city. The permit may be obtained by the alarm business or individual owner by registering required information with the city. Any change of ownership or registration information must be made within thirty (30) days of any change. (as added by Ord. #53-07, Feb. 2007, and replaced by Ord. #83-09, July 2009)

20-203. Violation. Each false alarm received by the City of Union City is a violation of this chapter. (as added by Ord. #53-07, Feb. 2007, and replaced by Ord. #83-09, July 2009)

20-204. Schedule of notices and fees. The following schedule of notices, warnings, and fees shall be assessed to alarm users and/or alarm businesses for false emergency alarms transmitted to the City of Union City within any continuing twelve (12) month period:

(1) **First false alarm.** No fee, verbal notification by the Union City Police Department or Union City Fire Department.

(2) **Second false alarm.** No fee, written notification advising the alarm user and/or alarm business of the provisions of this chapter.

(3) **Third and all subsequent false alarms and failure to register.** A civil penalty of twenty-five dollars (\$25.00) will be assessed and paid within thirty (30) days from the date of the invoice. (as added by Ord. #53-07, Feb. 2007, and replaced by Ord. #83-09, July 2009)

20-205. Exemptions. The following properties and services shall be exempt from the provisions of § 20-203 of this chapter:

(1) False alarms recorded within the first fourteen (14) days after installation.

(2) False alarms which can be substantiated as being caused by railroad trains.

(3) False alarms involving municipal or county buildings, grounds, or property.

(4) Emergency services performed outside the jurisdiction of the city pursuant to a mutual aid contract, or other contract, with another municipality.

(5) False alarms recorded as a result of storms, earthquakes, or other similar conditions beyond the reasonable control of alarm users or alarm businesses.

(6) False alarms activated by a person working on the alarm system with the prior notification of the alarm business serving the alarm site.

(7) False alarms which can be substantiated as being activated by disruption or disturbance of telephone company facilities or motor vehicle-utility pole accidents.

(8) False alarms from rural fire customers since a charge is already assessed for responding to these calls.

(9) The city may grant the option of attending an "Alarm Users Awareness Class" in lieu of paying one (1) assessed fee. (as added by Ord. #83-09, July 2009)