

ORDINANCE NO. 2213

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO COMMITTEES, COMMISSIONS, AND BOARDS; TO REPEAL SECTION 2-801 OF THE CRETE MUNICIPAL CODE; TO AMEND SECTIONS 3-901 AND 3-906 OF THE CRETE MUNICIPAL CODE; TO REMOVE THE CEMETERY BOARD AND DELEGATE THE RESPONSIBILITIES PREVIOUSLY UNDER THEIR CONTROL TO THE PUBLIC WORKS DIRECTOR.

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

Section 1. That Chapter 2, Article 8, Section 2-801 of the Crete Municipal Code shall be repealed in full.

Section 2. That Chapter 3, Article 9, Section 3-901 of the Crete Municipal Code shall be amended as follows:

3-901 Cemeteries; Operation and Funding

The Municipality owns and manages the municipal cemeteries through the ~~Cemetery Board~~ Public Works Director who shall be responsible for the direct management and supervision of the cemeteries. The Public Works Director shall have the authority to adopt and promulgate rules and regulations, not inconsistent with law, for the operation of the cemeteries to include, but not be limited to, the number of lots which may be owned by the same individual, to prescribe rules for enclosing, adorning, and erecting monuments and tombstones, and to prohibit any diverse or improper use thereof. The Governing Body, for the purpose of defraying the cost of the case, management, maintenance, and beautification of the cemeteries, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the municipality that is subject to taxation. The revenue from the said tax shall be known as the Cemetery Fund and shall include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the cemeteries. The Cemetery Fund shall at all times be in the custody of the Municipal Treasurer.

Section 3. That Chapter 3, Article 9, Section 3-906 of the Crete Municipal Code shall be amended as follows:

3-906 Cemeteries; Sale Proceeds; Donations; Perpetual Care Fund

- (1) When any lot has been transferred by warranty deed or by a deed conveying a fee simple title but there has been no burial in any such lot or subdivision thereof and no payment of annual assessments for a period of three years, the ~~Cemetery Board~~ Public Works Director, with the sanction of the Governing Body, may reclaim the unused portion of such lot or subdivision after notifying the recorded owner of his or her heirs or assigns, if known, by certified mail and publishing notice of its intention to do so.
- (2) Such notice shall be published once each week for four weeks in a newspaper of general circulation throughout the county in which the cemetery is located, shall describe the lot or subdivision proposed to be reclaimed, and shall be addressed to the person in whose name such portion stands of record or, if there is no owner of record, to all persons claiming any interest in such lot or subdivision. If no person appears to claim such lot or subdivision and pay all delinquent assessments with interest within fifteen days after the last date of such publication, the ~~Cemetery Board~~ Public Works Director may by resolution reclaim such lot or subdivision. Such reclamation shall be complete upon a filing of a verified copy of such resolution, together with proof of publication, in the office of the Register of Deeds.

Section 4. That the changes specified in the above section shall be codified as part of the Crete Municipal Code as stated herein.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

Section 6. That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

Section 7. This ordinance shall be published in pamphlet, book, or electronic form and shall take effect and be in full force and effect from and after its passage, approval and publication, as provided by law.

PASSED AND ENACTED the 3rd day of September, 2024.

Mayor

ATTEST:

City Clerk

Seal