

ORDINANCE NO. 8-3-2023-18

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN
OF BRISTOL, INDIANA AMENDING CHAPTER 92 OF THE
TOWN OF BRISTOL, INDIANA CODE OF ORDINANCES

WHEREAS, the Town of Bristol, Indiana (the “Town”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the “Council”); and

WHEREAS, the Town has not transferred the power to govern cemeteries to a board pursuant to Indiana Code 23-14-65, et seq., and, therefore, the Council is empowered to govern cemeteries within the Town; and

WHEREAS, pursuant to Indiana Code, burial rights in a town cemetery must be represented by a Certificate of Burial Rights issued by the town; and

WHEREAS, the Council desires for any and all Certificates of Burial Rights and related cemetery lot transfer documents (collectively “Certificates”) issued by the Town to be executed and delivered by the Town Clerk-Treasurer or the Clerk-Treasurer’s designee (collectively the “Clerk”), and that the Clerk shall be designated as signor of the Certificates and delegated such authority by the Council to execute and deliver such Certificates.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, meeting in regular session, as follows:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. As of the effective date of this Ordinance, Title IX, Chapter 92, Section 92.07 of the Code shall be amended and replaced in accordance with Exhibit A attached hereto and incorporated herein.
- Section 3. The remaining portions of Chapter 92 of the Code are not affected by this Ordinance and shall remain in full force and effect.
- Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such repeal to have prospective effect only.
- Section 5. The Clerk is hereby authorized and directed to issue, execute, and deliver all Certificates of Burial Rights for Town cemeteries for and on behalf of the Town, and any such instruments or documents heretofore executed and delivered, and any such actions heretofore taken, by the Clerk shall be, and hereby are, ratified and approved.

Section 6. Any deeds or Certificates of Burial bearing the name of the Bristol Cemetery Board of the County of Elkhart, State of Indiana (the "Cemetery Board"), and issued or executed by the Clerk after the dissolution of the Cemetery Board, shall be, and hereby are, recognized, ratified, and approved as if issued by the Town according to this Ordinance.

Section 7. If any portion on this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.

Section 8. This Ordinance shall be in full force and effect in accordance with Indiana Law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All acts pursuant to the adoption of this Ordinance are hereby ratified.

* * * * *

ADOPTED THIS ____ DAY OF _____, 2023.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

EXHIBIT A

92.07 DEEDS, TRANSFER OF INTEREST, AND TERMINATION OF UNUSED BURIAL SPACES

(A) All deeds to spaces of the cemetery shall be executed by the Town Clerk or the Town Clerk's designee and issued by the Town Clerk to the party vested upon the payment to the Town Clerk of the purchase price covering the space. All deeds/certificates/or instruments transferring interest in any space shall be in writing and signature of transfer notarized or by probate of will.

(B) Any space owner desiring to sell or otherwise transfer a space must do so through the cemetery in order to keep records correct. If transfer is by owners last will and testament, a copy of the probated will and proof of probate shall be supplied to the Town Clerk. In transferring a space, when no provision has been made for perpetual care, such provision must be made when the space is transferred. A fee of \$25 will be charged by the Town Clerk for transferring all deeds to defray the cost of materials and handling involved. Proof of purchase must be obtained from the Town Clerk. In addition, if the transfer is from an owner who is a town resident to an owner who is not at the time of death a resident of the Town, there will be an additional charge of \$100.00.

(C) If multiple adjoining spaces (two or more) are purchased, they together may be designed as a "lot" in which case each burial space shall be identified sequentially (e.g., Lot 53, space "A" "B" "C").

(D) If for a period of fifty (50) or more years from date of original sale or last transfer recorded by the Town Clerk, a burial space remains unused, the rights and ownership interest of the owner may be terminated in accordance with the Indiana Code.

[For codification reference: (>97 Code, ' 5-50) (Ord. 10-15-13, ' 18, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Am. Ord. 11--22; passed 12-20-22; Am. Ord. 6-15-2023-_____; passed 6-15-23.)]