

ORDINANCE NO. 3321

ORDINANCE ESTABLISHING CERTAIN RULES AND  
CHANGING OTHER RULES REGARDING MATTERS CONCERNING  
THE WESTLAWN ADDITION TO THE SOUTH MOUND CEMETERY  
OF THE CITY OF NEW CASTLE, HENRY COUNTY, INDIANA

WHEREAS, the City of New Castle, Indiana owns, maintains and operates cemetery known as the South Mound Cemetery, and

WHEREAS, the most recent addition to that cemetery known as the Westlawn Addition is governed by certain rules, and

WHEREAS, it has been determined by the Common Council of the City of New Castle that those rules should be amended,

NOW THEREFORE be it ordained by the Common Council of the City of New Castle that Chapter 91 and more specifically Sections 91.01 and 91.04 shall be amended as follows:

1. Section 91.01(A)(5) shall be replaced with the following:

(5) Decorating of gravesites:

a. The installation, fencing, hedging border or enclosures of any kind around a burial lot or gravesite is prohibited. The placement of gravel, mulch, sand or other such materials shall not be permitted.

b. No item shall be placed on the ground surrounding the gravestone foundation between the dates of April 1 and November 30, same being the mowing season of the cemetery, with the exception of items mentioned below regarding special holidays. The only items permitted during the mowing season shall include vases that are integral to the monument and placed on the monument foundation, monument saddles, memory lights and small statues permanently affixed to the concrete foundation or memorial base.

c. Vases, urns, and angel statues shall not exceed thirty-six (36) inches but may be placed at the site of a headstone on the monument foundation provided there is sufficient space for same. Such vases and/or urns must be placed on cement or a concrete foundation which are flush with the ground and not in the mowing path or on the base which the headstone rests upon. Such vases and/or urns or statues shall be reasonably secure to prevent becoming dislodged or causing a safety hazard to employees performing mowing duties. Foot stones must be flush with the ground so that they may be mowed over. No glass or breakable container shall be permitted. No metal cans, wire hooks or spikes shall be permitted.

d. Flowers and decorations may be placed on the ground two (2) calendar days prior to the following holidays:

- (1) Easter
- (2) Mother's Day
- (3) Father's Day



All such flowers and decorations placed on the ground shall be removed by the owners not later than two (2) calendar days following Easter, Mother's Day and Father's Day.

Flowers and decorations may be placed on the ground two (2) calendar days prior to Memorial Day and shall be removed by the owners not later than seven (7) days following Memorial Day.

e. One (1) shepherd's crook per grave may be placed on a gravesite two (2) calendar days prior to Easter, Mother's Day, Memorial Day, and Father's Day. The owner shall remove the shepherd's crook no later than the seventh (7<sup>th</sup>) calendar day following Memorial Day and no later than two (2) calendar days following Easter, Mother's Day and Father's Day. Shepherd's crooks shall not be decorated with any material, including ribbons, balloons and other such items. Shepherd's crooks shall not exceed a height of fifty-four (54) inches above the ground and be substantially constructed to remain perpendicular to the ground. Any shepherd's crook not removed by the owner within the allowable time will be removed by cemetery personnel and held for thirty (30) calendar days at the maintenance building area to be claimed by the owners. Items will be discarded after the thirty (30) calendar days holding period. All flowers and decorations permitted for special holidays, as addressed above will be removed by the cemetery personnel after the allowable time has expired if they have not been removed by the owner.

f. Grave blankets shall be allowed on gravesites between November 30 and March 1. All hooks or spike devices used to secure the blanket to the ground shall be secured to the blanket so that same may not become dislodged from the blanket or fall loose upon cemetery grounds. Such method of securing the blanket to the ground shall not include chain, wire or other materials which are metallic or would cause a danger to those maintaining the property.

g. If a gravesite is unmarked and no monument appears thereon, the grave marker as provided by the funeral service will be allowed plus one of the following:

- (a) a temporary cross
- (b) an urn with flowers
- (c) an appropriate statue

None of the above shall be more than thirty-six (36) inches in height and must be removed when the permanent grave marker is placed. All such urns or statues shall be placed on a flat concrete slab and secured so same may not be dislodged. All rules regarding special holidays (Easter, Memorial Day, Mother's Day, and Father's Day) shall remain in effect for unmarked graves as well marked graves.

h. The cemetery superintendent shall prepare an informational packet which includes these rules and all other rules associated with the Westlawn Addition to the South Mound Cemetery. These shall be made available to members of the public upon request and shall be delivered to any purchaser of a gravesite at the time of said purchase. Signage shall be posted and maintained at the cemetery entrance containing the basic rules for behavior in the cemetery and rules regarding decorations.



i. That decorations not specified above shall not be allowed to be placed on gravesites. This includes the placing of boxes, shelves, toys, metal designs, ornaments, chairs, settees, pumpkins, Easter egg trees, and other such items.

j. In the event any decorations are placed upon gravesites contrary to these rules, the management may remove such decorations and discard same and shall have no responsibility to the owner or any third person for said items improperly placed on gravesites.

2. Section 91.04 of the New Castle City Code shall be amended as follows:

The planting of shrub trees or flowers in the cemetery or on any individual gravesite is expressly prohibited. Should the City establish a landscaping plan which allows for the planting of memorial trees, shrubs, or flowers, such plantings may occur provided they comply with the landscape design, and meet all City specification and requirements. Any such planting shall become the property of the City of New Castle and the City may at its option remove the planting without obtaining the permission or consent of the individual or group that arranged for the memorial plantings. Such plantings will be done in a manner which will enhance the entire cemetery and shall not be utilized as a decoration for a specific gravesite.

3. The Council expressly repeals Chapter 91 Section 91.01(A) (7).

**REPEALER:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SEVERABILITY:** Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

**EFFECTIVE DATE:** This Ordinance shall become effective immediately upon passage and publication.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS 3<sup>rd</sup> DAY OF September, 2002.

*Sherman Boles*  
Sherman Boles, Presiding  
Officer, Common Council, City  
of New Castle, Indiana

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NAY

*Annika York*  
*Bobby York*  
*[Signature]*

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Max L. Sutherland

Louise Pierce

Tom Nipp

Richard Hahn

ATTEST:

Janice Lavarney  
Janice Lavarney,  
Clerk-Treasurer

APPROVED BY ME THIS 3<sup>rd</sup> DAY OF September, 2002.

Sherman Boles  
Sherman Boles, Mayor of the City  
Of New Castle, Indiana