

**ORDINANCE NO. 2026-40**

CITY OF CLYDE, OHIO

**REPEALING AND REPLACING CHAPTER 951, "CEMETERIES", CHAPTER 955, "PARKS AND RECREATION AREAS", AND CHAPTER 959, "MUNICIPAL SWIMMING POOL" OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE AND DECLARING AN EMERGENCY.**

**WHEREAS** recent changes to the organizational structure of the City's Parks, Recreation, and Cemetery services require additional changes to various chapters of the city's codified ordinances so that said changes are reflected accurately within code and to ensure consistent operation and effectiveness of the departments.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Clyde, State of Ohio:

**SECTION 1.** Chapter 951, "Cemeteries", Chapter 955, "Parks and Recreation Areas", and Chapter 959, "Municipal Swimming Pool" of the Codified Ordinances of the City of Clyde, Ohio, are hereby repealed in their entirety.

**SECTION 2.** Chapter 951, "Cemeteries" is hereby created as shown in attached Exhibit "A".

**SECTION 3.** Chapter 955, "Parks and Recreation Areas" is hereby created as shown in attached Exhibit "B".

**SECTION 4.** Chapter 959, "Municipal Swimming Pool" is hereby created as shown in attached Exhibit "C".

**SECTION 5.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare, and safety of the residents of the City of Clyde, Ohio, and the immediate adoption of this legislation will ensure the orderly administration of the City's day-to-day operations.

Adopted:

5-5-2026

Authorized:

Don McAuliffe

Attest:

Janet R. Dickman

Approved to form:

[Signature]

## **EXHIBIT A**

### **CHAPTER 951. – CEMETERIES**

#### **Sec. 951.01. – Definitions and Administration.**

As used in this chapter, the following terms shall have the meanings set forth below:

- (a) "Cemetery" means McPherson Cemetery, located at the intersection of McPherson Highway and E. Maple Street within the City.
- (b) "Cemetery and Grounds Superintendent" means the individual appointed by the City Manager to supervise the Cemetery and Grounds Department, also known as the Sexton. References in this chapter to the Sexton, the Cemetery and Grounds Superintendent, or the Superintendent's designee shall be construed interchangeably.
- (c) "City Manager" means the City Manager of the City of Clyde, Ohio, or the City Manager's authorized designee.
- (d) The Cemetery shall fall under the supervision and control of the Cemetery and Grounds Superintendent. The City Manager shall oversee the operations of the Cemetery and Grounds Department, set operational hours for department employees, and shall have final authority over all departmental matters. The Cemetery and Grounds Superintendent serves as the City Manager's designee for routine operational supervision.
- (e) Public access to the Cemetery is permitted daily from dawn to dusk, unless otherwise posted by the City Manager.
- (f) Operational hours for Cemetery and Grounds employees shall be set by the City Manager.

#### **Sec. 951.02. – Conduct on Cemetery Grounds.**

The following conduct is prohibited on Cemetery grounds:

- (a) Boisterous or profane language, or other acts that disturb the quiet and good order of the Cemetery.
- (b) The sale of refreshments or solicitation of any kind.
- (c) Animals on Cemetery grounds, except service animals as defined and protected under applicable state and federal law.
- (d) Operating a motor vehicle other than on paved roadways. Motor vehicles shall not exceed five (5) miles per hour.
- (e) Disposing of paper, old flowers, or any other refuse upon the lawn or drives of the Cemetery, except in receptacles and areas designated for that purpose.
- (f) Plucking any plant or flower, whether wild or cultivated, breaking or injuring any tree or shrub, or marring any monument, marker, or other structure, or in any manner defacing the grounds of the Cemetery.

**Sec. 951.03. – Interment.**

- (a) Arrangements for interment at McPherson Cemetery shall be made by contacting the City Manager's office. Notification for arrangements shall be made at least twenty-four (24) hours in advance of the scheduled funeral service. All interments and work pertaining thereto shall be directly under the supervision of the Cemetery and Grounds Superintendent. The Cemetery and Grounds Superintendent or the Superintendent's designee shall be present at all burials.
- (b) Interment shall not be allowed without full payment for opening and closing of each grave site prior to the scheduled funeral service. A receipt of payment shall be delivered to the Cemetery and Grounds Superintendent the day before interment; however, the funeral director may elect to deliver full payment at the time of the funeral service.
- (c) The City is not responsible for any mistake that may occur if arrangements for the interment are made by telephone.
- (d) The burial of the remains of more than one person per grave site shall not be permitted, except for the remains of an infant.
- (e) Cremated remains may be buried in a grave of a spouse or other family member, provided that the remains of the previously buried are not disturbed and the Cemetery and Grounds Superintendent has determined there is space available for said burial.
- (f) Removal or transfer of buried remains shall be charged based upon the opening and closing schedule established by Council resolution. A removal is charged for one opening and one closing. A transfer is charged for two openings and two closings. The cost shall be paid by the person ordering such work.
- (g) Disinterment of a body shall be permitted only upon approval of the City Manager. In the event the decedent died of a contagious or communicable disease, disinterment shall be permitted only upon approval of the Sandusky County Board of Health or a court of record having jurisdiction in the matter.
- (h) Veteran grave sites are available for burial of honorably discharged soldiers, sailors, marines, and airmen who have been in active service of the United States. Burial sites are released upon application by the funeral home representative who provides proof of service of the deceased and certifies that a grave site has not otherwise been provided. Qualifications for burial in the veteran's section will be made by the Sandusky County Veterans Service Office.

**Sec. 951.04. – Monuments and Markers.**

- (a) All monumental work shall be designed and executed in such a manner as to ensure the most permanent construction.
- (b) To avoid crowded conditions, only one family monument will be permitted on any lot.
- (c) All monuments will be set at the head of each site, except in section two on the east side, in which case they are set at the foot of each site.

- (d) All vases shall have a base.
- (e) Prior to purchase of any monument, the Cemetery and Grounds Superintendent shall be contacted to assist owners in selecting monument designs, thereby preserving harmony with surrounding monuments and avoiding duplication.
- (f) All monuments and markers shall be set upon a concrete foundation. Foundations will be constructed by Cemetery employees using class C concrete at a minimum depth of three (3) feet, finished at ground level, and sized to match the planned monument. Foundations in sections five and six will be four (4) inches wider and four (4) inches longer than the planned monument. Foundations that have failed due to weather conditions will be replaced by Cemetery employees at City expense.
- (g) Foundations will be installed during the months of April and October of each calendar year.
- (h) Persons engaged in placing monuments or other structures must provide planking to prevent injury to the sod and are prohibited from attaching ropes to trees, except as directed by the Cemetery and Grounds Superintendent.

**Sec. 951.05. – Purchase of Grave Sites.**

- (a) All site selections and purchases shall be made through the Cemetery and Grounds Superintendent.
- (b) Cemetery employees will assist the purchaser in the preparation of the cemetery lot sales form. The form shall include the name of the owner or owners; section number; lot number; site or sites; and purchase amount.
- (c) The purchaser shall deliver the cemetery lot sales form to the Finance Department for payment. Upon receipt of payment, the purchaser will take the receipt to the City Manager. The City Manager will have a deed prepared for the grave site or sites purchased.
- (d) Every owner of a site or sites shall be entitled to the use thereof, in fee simple, for sepulcher only, subject to the provisions of the Ohio Revised Code and subject to the rules and regulations of the City now in force or hereafter adopted.
- (e) No grave site or part thereof shall be transferred from one owner to another without a deed transfer. All deed transfers will be performed by the City Manager. This section does not prohibit a site owner from burying persons outside the family on the site.
- (f) The City will buy back any site or sites where there have been no burials. The purchase price shall be the original price paid for the site or sites.
- (g) No deed or certificate of ownership shall be conveyed, and no monument, marker, or other memorial shall be placed, nor shall a burial be permitted, until the purchase price of the site has been paid in full.
- (h) The Cemetery shall provide sites for indigent and transient persons. The Cemetery and Grounds Superintendent will identify the appropriate site at time of burial.

- (i) The Cemetery will designate a baby grave section for the purpose of burying stillborn infants and babies. Sites in this section will be sold only at the time of burial.
- (j) The Cemetery will designate a cremated remains section for the purpose of burying cremated remains. This section will be made up of one-half the size of normal grave sites and will be designed to accommodate monuments and markers.
- (k) Widows of veterans may be buried next to their husbands in the veteran's section. Requests for such burials shall be in written confirmation to the City Manager.
- (l) A veteran's widows trust fund has been established for the receipt and accumulation of contributions from the Sandusky County Veteran's Service Commission to provide for the perpetual care of grave sites in the veteran's section.

**Sec. 951.06. – Maintenance of Sites.**

- (a) The care and maintenance of all sites is performed by Cemetery employees. The avenues and walks shall be kept in good condition. Trees and shrubs will be trimmed and pruned. The turf will be kept mowed and cleaned without expense to the site owner. No person shall be permitted to perform ground maintenance work on any site, except as permitted by the Cemetery and Grounds Superintendent.
- (b) No trees, plants, or shrubs shall be planted on any grave site, nor shall any tree or shrub be trimmed or removed except by employees of the City as directed by the Cemetery and Grounds Superintendent. The City reserves the right to remove any tree, shrub, or ornament of any kind from any site in the Cemetery.
- (c) Fall and winter arrangements shall be removed from grave sites by April 1 of each year. Spring and summer arrangements, whether live or artificial, shall be removed by October 1 of each year.

**Sec. 951.07. – Fees and Charges.**

- (a) All fees and charges associated with grave sites, interments, foundations, openings and closings, and related Cemetery services shall be established by Council resolution. The current fee schedule is on file in the Office of the City Manager and is available online on the City's official website.
- (b) Prepaid burial expenses shall be accepted by the City as payment in full for the agreed services, regardless of future fee increases, in accordance with the terms set forth at the time of prepayment. No burials under a prepaid arrangement shall be made on Memorial Day.

**Sec. 951.08. – Burial of Indigent Persons.**

- (a) "Indigent person" means a person who dies without leaving an ascertainable estate sufficient to pay part or all of the person's burial expenses and whose burial expenses are not payable by the State or County Veteran's Administration.
- (b) "Indigent claimant" encompasses individuals who are poor, needy, destitute, or in poverty. The criteria for an indigent determination include the ready availability of real or personal property owned, employment benefits, pensions, annuities, social security, unemployment compensation, inheritances, number and age of dependents, outstanding debts, obligations, liabilities, and any other relevant considerations concerning the individual's financial condition.
- (c) "Legal residence" means a permanent place of abode used or occupied as living quarters at the time of a person's death, including a nursing home, hospital, or other care facility.
- (d) The City Manager is authorized to pay for the burial of a deceased person within the City upon the following conditions:
  - (1) The deceased was determined to be an indigent person;
  - (2) The deceased was a legal resident of the City of Clyde, Ohio, at the time of death;
  - (3) The deceased was not an inmate of a penal, reformatory, benevolent, or charitable institution of this state;
  - (4) The body of the deceased is not claimed by any person for private interment and/or cremation at the person's own expense or delivered for medical or surgical study or dissection in accordance with Ohio R.C. 1713.34; and
  - (5) The funeral home in possession of an indigent person shall certify, in writing to the City and signed by the funeral home and the next of kin of the deceased person, that no assets are known to cover the cost of burial.
- (e) The City shall dispose of the remains of the indigent person by cremation only. The Finance Director is hereby authorized to pay such expenses after receipt of an invoice or bill from the funeral director.
- (f) The cremated remains of the indigent person may be released to the indigent person's blood relative or relatives or friend or friends. Blood relatives shall have preferential rights over non-blood relatives to claim the cremated remains.
- (g) If the remains are not claimed within seven (7) days, the City may cause the remains to be buried. The City shall provide at the grave a marker inscribed with the indigent person's name and age, if known, and date of death. The Finance Director is hereby authorized to pay such expenses.
- (h) If the body of an indigent person is claimed by a blood relative or friend who arranges for the funeral according to their wishes, the City shall not pay all or part of the expenses for the same.

- (i) In the event that it is found after cremation and payment of expenses by the City that such indigent person had means, assets, insurance, or other benefits available for the payment of all or part of such expenses, the City may take such proceedings to recover such costs and expenses as may be authorized by law.

**Sec. 951.99. – Penalty.**

- (a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each such offense.
- (b) Nothing in this chapter limits prosecution under applicable provisions of the Ohio Revised Code, including but not limited to ORC 2909.05 and ORC 2927.11, for damage to or desecration of cemetery property.

## **EXHIBIT B**

### **CHAPTER 955. – PARKS AND RECREATION AREAS**

#### **Sec. 955.01. – Administration; Parks and Recreation Department.**

- (a) All parks, play lots, and playgrounds, now designated as such or hereafter acquired and designated as a park, play lot, or playground, shall be under the supervision and control of the Parks and Recreation Department.
- (b) The City Manager shall oversee the operations of the Parks and Recreation Department, establish operational guidelines, and have final authority over all departmental matters. The Parks and Recreation Superintendent shall serve as the City Manager's designee for the day-to-day supervision and management of all parks and recreational facilities.
- (c) The Parks and Recreation Superintendent is authorized to adopt and enforce reasonable rules and regulations relating to the operation and use of parks, play lots, and playgrounds, subject to the approval of the City Manager.
- (d) Public access to City parks is permitted from dawn to dusk daily, unless otherwise posted by the City Manager.
- (e) Operational hours for parks employees and supervised programming shall be set by the City Manager.

#### **Sec. 955.02. – Boating on Reservoirs Regulated.**

- (a) Raccoon Creek Reservoir and Beaver Creek Reservoir are closed to all activities except fishing from one-half hour after sunset to one-half hour before sunrise.
- (b) All boats shall be of the type authorized under the laws of the state and must be duly licensed and operated pursuant to the laws of the state.
- (c) Only boats operated by hand oars or propelled by electric outboard motors shall be permitted on the Raccoon Creek Reservoir or the Beaver Creek Reservoir. This subsection does not apply to officers and employees of the City or the state in pursuit of their duties in maintaining such reservoirs or the fish therein.
- (d) All such boats must be launched and removed from the reservoir at the place or places provided for such purposes by the City or state.
- (e) All such boats must be attended at all times.
- (f) The City Manager is authorized to stop or have stopped the use of all boats on such reservoir, upon the posting of notice thereof, if in the City Manager's opinion, conditions of safety or sanitation of the reservoir require such action.
- (g) The City Manager, with the consent of Council, may waive any of the regulations herein for occasions of a special nature or where other good cause is shown.

**Sec. 955.03. – Prohibitions.**

- (a) Smoking on City recreational properties is prohibited by Sec. 521.15.
- (b) No person shall swim in the Community Park Pond, the Raccoon Creek Reservoir and waterway, or the Beaver Creek Reservoir at any time.
- (c) No person shall drive, propel, or operate a motor vehicle or other vehicle, including snowmobiles, on the embankment or top of the municipal reservoirs at any time, unless authorized by the City.
- (d) This section does not apply to officers and employees of the City or the state in pursuit of their duties in maintaining such reservoirs or the fish therein.

**Sec. 955.05. – Enforcement.**

- (a) The police are hereby authorized and enjoined to patrol and protect the areas, and to make any arrests necessary to enforce the provisions of this chapter.
- (b) Unless otherwise specifically designated to the contrary, the provisions set forth under Sections 955.02 through 955.05 shall apply to all municipally-owned or controlled reservoirs. Nothing set forth herein shall preclude the State of Ohio Division of Wildlife from enforcing any of its regulations in connection with the use of any of the reservoirs under a cooperative agreement between the City and the state.

**Sec. 955.06. – Fees.**

- (a) All fees associated with the use of City parks, recreational facilities, and programs shall be established by Council resolution. The current fee schedule is on file in the Office of the City Manager and is available online on the City's official website.

**Sec. 955.99. – Penalty.**

- (a) Whoever violates any provision of this chapter for which no other penalty is provided shall be fined not more than one hundred dollars (\$100.00).
- (b) A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

## **EXHIBIT C**

### **CHAPTER 959. – MUNICIPAL SWIMMING POOL**

#### **Sec. 959.01. – Administration; Hours; Rules; and Fees.**

- (a) The municipal swimming pool shall be under the supervision and control of the Parks and Recreation Department. The City Manager shall oversee the operations of the municipal swimming pool. The Parks and Recreation Superintendent shall serve as the City Manager's designee for day-to-day supervision and management of the facility.
- (b) The Parks and Recreation Superintendent shall establish hours of operation, rules of use, and programming for the municipal swimming pool, subject to the approval of the City Manager. Days and hours of operation are subject to change or cancellation if, in the opinion of the pool manager, inclement weather or other safety considerations prohibit the safe operation of the facility.
- (c) All fees and charges for the use of the municipal swimming pool shall be established by Council resolution. The current fee schedule is on file in the Office of the City Manager and is available online on the City's official website.
- (d) No glass containers of any type shall be permitted in the pool area.
- (e) Persons using the facilities of the municipal swimming pool are subject to all other ordinances, rules, and regulations governing the use of municipal parks and playgrounds as set forth in the Codified Ordinances.

#### **Sec. 959.99. – Penalty.**

- (a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each such offense.
- (b) The Parks and Recreation Superintendent may exclude any person from the municipal swimming pool facility for up to the remainder of the current operating season for violation of the rules governing the facility. Where the person excluded is a minor, notice of the exclusion shall be provided to the minor's parent or legal guardian.
  - (1) The City Manager may impose an exclusion extending beyond a single season, up to and including a permanent ban, upon written notice to the person, or to the parent or legal guardian if the person is a minor.
  - (2) Any permanent ban may be appealed to City Council within thirty (30) days of issuance.
  - (3) Appeals shall be filed and processed in accordance with the procedures set forth in Chapter 109 of these Codified Ordinances (Standard Appeals Process) upon receiving the fee and application for such appeal.