

CEMETERIES

Chapter 8

CEMETERIES*

- Art. I. In General, §§ 8-1—8-20**
- Art. II. Regulations Governing Work in Cemeteries, §§ 8-21 – 8-40**
- Art. III. Monroe Hills Memorial Gardens, §§ 8-41 – 8-59**

***Cross reference**—Identification of vehicles in funeral processing, § 13-13.

State law references—Cemeteries generally, OCGA § 44-3-130 et seq.; city as trustee of cemetery funds, OCGA § 36-37-4 et seq.

CEMETERIES

ARTICLE I. IN GENERAL

Sec. 8-1. Exclusive jurisdiction of city; boundaries.

The city shall have exclusive jurisdiction and control over the cemeteries of the city and shall prescribe the boundaries thereof by resolution of the city council or otherwise.

(Code 1967, § 6-1)

Sec. 8-2. Burials and sale of lots for burials limited to reorganized cemeteries.

(a) No person shall be buried, and no person shall bury or cause to be buried any person, within the city limits, except in one of the cemeteries of the city recognized as such by the city council.

(b) No person shall sell, give or offer for sale for burial purposes, any lot within the limits of the city outside of the recognized city cemeteries.

(Code 1967, §§ 6-2, 6-4)

Sec. 8-3. Price of lots; plat of unsold lots.

The city council shall fix the price of all lots in the cemeteries owned by the city. It shall be the duty of the city clerk to keep a plat of all unsold lots belonging to the city and show the same to prospective purchasers.

(Code 1967, § 6-3)

Charter reference – Authority of city as to sale of cemetery lots, § 6.304(c).

Sec. 8-4. Damaging or defacing cemetery property.

No person shall cut, damage or destroy any shade tree, ornamental tree, shrubbery or flowers in any cemetery or deface any tombstone or monument therein.

(Code 1967, § 6-8)

Cross Reference – Damaging property generally, § 15-8.

State law reference – Damaging property, OCGA § 16-7-22 et seq.

Sec. 8-5. Burial Containers.

In order to maintain a high standard of care and to eliminate sunken graves, and for other purposes related to the maintenance of the City cemeteries, it is required that all burials and interment be made in outside containers of natural stone, brick, metal or reinforced concrete; and all such containers must be made and installed so as to meet specifications as hereby established by the City: Such containers must fit the standard grave size of three feet in width, eight feet in length, and four feet in depth, and any such container or vault must be plastic-lined and wood shall not be allowed for the liner.

Secs. 8-6—8-20. Reserved.

CEMETERIES

ARTICLE II. REGULATIONS GOVERNING WORK IN CEMETERIES

Sec. 8-21. Compliance with article; remedies for noncompliance.

- (a) It shall be unlawful for any person to inter dead bodies or perform any labor of any kind, including but not limited to, the opening and closing of grave sites, within the limits of any cemetery of the city, except in conformity with this article.
- (b) In addition to any penalty imposed for a violation of this article, if any person engaged in the opening and closing of grave sites in a city cemetery fails to comply with any of the requirements of this article, the city may undertake to perform the necessary corrective action, and if the city so elects, such person shall be billed by the city for the full and necessary expenses incurred by the city in taking such action. Payment of such bill shall be made to the city within ten (10) days of the date thereof.
- (c) Upon conviction of any violation of this article or upon failure to promptly remit to the city any sums billed pursuant to subsection (b) above, any such person engaged in the opening and closing of grave sites shall have all privileges and rights to engage in such activity terminated or suspended, after notice and an opportunity to appear before the city council, upon such terms and for such period of time as the council, in its discretion, shall determine.

Sec. 8-22. Supervision.

No labor of any kind, specifically including, but not necessarily limited to, the opening and closing of grave sites, shall be performed in any city cemetery, except under the supervision of city personnel or a licensed funeral director.

(Ord. of 8-2-83, § II)

Sec. 8-23. Permit for opening grave.

No grave site shall be opened in any city cemetery unless a permit therefor has been issued by the city clerk.

(Code 1967, §§ 6-5, 6-23)

Sec. 8-24. Standards for opening and closing grave.

Any person who performs any labor in connection with the opening and closing of grave sites in any city cemetery, whether for compensation or gratuitously, shall perform such labor in accordance with the following:

- (1) The area immediately surrounding the grave opening and all loose dirt removed from the grave shall be covered by a tarpaulin or other suitable covering and all excess dirt shall be removed from the grave site area and from the cemetery.
- (2) The opening and closing of grave sites shall at all times be carried out in such manner as to provide the minimum of disturbance to the grave site area and to the cemetery.

CEMETERIES

- (3) All vehicles, such as trucks, tractors and the like, used in the opening and closing of grave sites shall, at all times, be parked on roadways within the cemetery, except when in actual use in such opening and closing, and such vehicles shall be parked, set up and moved so as to ensure that they will not sink into the area surrounding the grave site. If any sunken areas, tracks or other like blemishes are made, they shall be promptly and completely corrected and filled.
- (4) Any articles removed by any person in opening and closing grave sites, including grave markers, grave stones, monuments, fences and other such articles and materials, shall be promptly and completely replaced by such person. Such person shall be liable for any damage to such articles and materials.
(Ord. of 4-2-83, § III)

Sec. 8-25. Removal of tools and equipments.

All persons carrying into any city cemetery or using the same therein, barrels, boxes, mortar boxes or mortar troughs or tools or implements of any kind, shall remove them from the cemetery within three (3) days after having carried them there or used them. No person shall leave any of the articles mentioned herein on the private lot of another or on the walks or driveways of the cemetery.
(Ord. 1967, § 6-6)

Sec. 8-26—8-40. Reserved.

ARTICLE III. MONROE HILLS MEMORIAL GARDENS

Sec. 8-41. Application of article.

In addition to the other provisions of this chapter applicable to all cemeteries, the provisions of this article shall apply to the cemetery known as Monroe Hills Memorial Gardens and, as used in this article, the word "cemetery" shall mean Monroe Hills Memorial Gardens.

Sec. 8-42. Statement of purpose.

Monroe Hills Memorial Gardens is a modern cemetery operated and maintained by the city. High standards of efficiency and protection of lot owners require the adoption and enforcement of the rules and regulations set out in this article.
(Code 1967, § 6-19)

Sec. 8-43. General responsibility of city.

The city will have absolute charge of the cemetery and will enforce all rules and regulations and supervise all workers, visitors and drivers of vehicles and be responsible for their proper conduct therein.
(Code 1967, § 6-26)

Sec. 8-44. Application of ordinance regulations and police powers.

All regulations and police powers set out in ordinances adopted by the city council are hereby extended to include and be fully effective at and upon the land embracing the cemetery.

CEMETERIES

(Code 1967, § 17-1)

Sec. 8-45. Limitation on use of lots.

Lots in the cemetery shall be used for no other purpose than the burial of the human dead.

(Code 1967, § 6-20)

Sec. 8-46. Conveyance and assignment of title to lots.

The perpetual and exclusive right of interment in lots in the cemetery shall be conveyed by certificate of title which may be assigned only by the consent of, and upon filing with, the city. Such assignment must contain complete information of the name and residence of the assignee. The fee for such assignment shall be such as is prescribed, from time to time, by the city council.

(Code 1967, §§ 6-22, 6-33)

Sec. 8-47. Care of lots and graves by city.

All lots in the cemetery shall be sold with provision for care by the city. Single graves will receive the same degree of care as other portions of the cemetery.

(Code 1967, §§ 6-21, 6-30)

Sec. 8-48. Service charges and orders.

The city council shall adopt, from time to time, a schedule of charges and fees for services performed within the cemetery by city personnel.

(Code 1967, § 6-33)

Sec. 8-49. Interments generally.

No interment will be permitted in a cemetery lot, without the written order of the lot owner showing the exact location of the grave on the lot. Eighteen (18) hours daylight notice is required, except by order of the proper health authorities, before any interment. Only one interment shall be permitted in a grave except in the case of a mother and infant or two children in one casket.

(Code 1967, § 6-27)

Sec. 8-50. Payment of half of purchase price of lot prerequisite to burial; failure to pay balance.

Before a burial is made on a lot in the cemetery, at least fifty (50) percent of the purchase price of the lot must have been paid. If the balance is not paid according to the agreement, the city shall have the right to remove the body to a single grave.

(Code 1967, § 6-29)

Sec. 8-51. Disinterments.

(a) No disinterment shall be made in the cemetery, except by authorized city personnel and upon written request of the lot owner, after all legal requirements have been met.

CEMETERIES

- (b) In case a body is removed from any grave, the ground shall revert to the cemetery and the usual charge for disinterment will be made.

(Code 1967, §§ 6-28, 6-30)

Sec. 8-52. Grave enclosures and mounds prohibited.

No enclosure of any kind, such as a fence, coping, hedge or ditch, shall be permitted around any grave or lot in the cemetery. Grave mounds will not be allowed and no lot shall be raised above the established grade.

(Code 1967, § 6-24)

Sec. 8-53. Monuments, markers, plaques, etc., generally.

- (a) Unless otherwise designated by the city council, all parts of the cemetery shall be nonmonumental sections and all monuments or markers, except bronze memorial plaques flush with the ground, shall be prohibited. To preserve the park-like appearance of the grounds, no private mausoleum, monuments or tombstones will be permitted. In order to ensure quality and uniformity, bronze memorial epitaph plaques only will be installed when approved by the city officials. Only one (1) memorial will be permitted on a grave. No double memorial to cover more than one (1) grave will be permitted. Corner lot markers showing the number of the lot have been installed without charge to the lot owner. Any special corner markers which are installed at the expense of the owner must be of bronze, six (6) inches square and set flush with the ground on foundations twelve (12) inches deep.
- (b) All monuments, markers, memorials, mausoleums and the like placed in the cemetery must be of marble, granite or standard bronze, approved as to quality by the city officials and placed on the lot as designated by the cemetery superintendent.
- (c) No more than one (1) monument shall be erected on any single lot. The base of no monument shall exceed sixty (60) percent of the width of the lot and no monument shall have a width less than fifty (50) percent of the width of the lot. No monument shall have a height of more than five (5) feet. The city council must approve the location of all monumental lots.
- (d) The city reserves the right to prohibit the erection of any monument, marker, mausoleum, urn or the like in the cemetery, if for any reason it is objectionable, faultily constructed of inferior material, not true to specifications of size, material, design, structure, appearance or durability, or not in compliance with the rules of the cemetery as now or hereafter in force.

(Code 1967, §§ 6-34—6-37)

Sec. 8-54. Removal of monumental work, markers, etc.

- (a) Monumental work placed in the cemetery before it is paid for is so placed at the risk of the memorial dealer and cannot be removed for any cause, except for defective material or workmanship, in which case it may be ordered removed by the city council, and if not removed by the memorial dealer within sixty (60) days, it may be removed by the city at the expense of the lot owner, which expense shall become a lien upon the lot.

CEMETERIES

- (b) If any marker, effigy, structure or other object or inscription placed in or upon any lot in the cemetery is found by the city council to be offensive or injurious to the appearance of the surrounding lots or grounds, city personnel shall have the right to enter upon such lot and remove such object or inscription.
(Code 1967, §§ 6-24, 6-35)

Sec. 8-55. Planting, pruning, etc., of vegetation; placement of cut flowers.

No trees, shrubbery, or plants shall be planted or pruned in the cemetery or removed therefrom, and no sod therein shall be disturbed, except by authorized employees or agents of the city. Cut flowers may be placed only in submerged vases.
(Code 1967, § 6-25)

Sec. 8-56. Conduct of visitors generally.

Persons visiting the cemetery shall conduct themselves in an orderly manner or be denied access to the grounds.
(Code 1967, §§ 6-31, 6-32)

Sec. 8-57. Firearms and alcoholic beverages prohibited.

No person shall carry any firearm or alcoholic beverage into the cemetery.
(Code 1967, § 6-31)
Cross references—Alcoholic beverages, Ch. 4; discharging firearms, § 15-6.

Sec. 8-58. Advertising signs prohibited.

No person shall bring into the cemetery or display therein any advertising sign of any nature.
(Code 1967, § 6-31)
Cross reference – Advertising, Ch. 3.

Sec. 8-59. Dogs prohibited.

It shall be unlawful for any person to bring any dog into the cemetery.
(Code 1967, § 6-31)
Cross reference—Dogs generally, § 6-16 et seq.