

## Chapter 30 - CEMETERIES

### Sec. 30-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Burial service means any service other than a funeral service offered or provided by any person in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains.

Care and maintenance means the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, utilities, and other improvements, structures, and embellishments in a well-cared for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community. Care and maintenance may include, but is not limited to, any or all of the following activities: mowing the grass at reasonable intervals; raking and cleaning the grave spaces and adjacent areas; pruning of shrubs and trees; suppression of weeds and exotic flora; seeding and filling in sunken graves, removing dead flowers only. The city shall not remove any type of artificial flora placed at grave sites or be held liable for any type flora if missing from grave site. Care and maintenance does not include expenses for the construction and development of new grave spaces or interment structures to be sold to the public or watering nor repairing or replacement of markers or memorial structures of any nature.

Casket means a container which is designed for the encasement and viewing of a dead human body.

Cemetery means any cemetery owned and/or maintained by the city for the purpose of receiving the remains of deceased humans.

Cremation includes any mechanical or thermal process whereby a deceased human being is reduced to ashes. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, cremated, or otherwise further reduced in size or quantity.

Funeral director means any person licensed in this state to practice funeral directing pursuant to the provisions of O.C.G.A. tit. 43, ch. 18.

Funeral service means any service relating to the transportation, embalming, and interment of a deceased human being.

Interment means the burial of human remains but shall not include the opening and closing of a grave space, crypt, or niche or the installation of a vault.

Lot includes partial lots or single graves in cemeteries covered in this chapter.

Lot, grave, or deed owner means the owner of burial rights, the owner of burial privilege, or the collateral use of any burial lot, evidenced by a burial rights certificate or by proved and recognized descent or device from the original owner.

Vault or outer burial container means an enclosure into which a casket is placed and includes, but is not limited to, containers made of concrete, steel, fiberglass, copper or other metals.

(Ord. No. 2015-02, § 1, 3-19-2015)

### Sec. 30-2. - Subsequent regulations; non-liability of city.

- (a) The mayor and board of aldermen reserve to themselves and their successors in office the right to alter, amend, modify or add to the rules, regulations, conditions, and restrictions set forth in this chapter at any time it is deemed advisable to do so in order to carry out the purposes of this chapter.

- (b) There shall be no liability whatsoever, either tort or contractual, on the part of the city, or its officials or officers, or their successors in office, or its agents or employees, to any purchasers of any lots in the cemetery, or to any person holding under them, or to the family or relatives of any person buried in the cemetery, or to any person or the family of such person who has erected any monument, marker, or mausoleum therein, by reason of any act, thing, omission, negligence, or otherwise relating to the cemetery. In accepting any conveyance of any burial lot, each purchaser agrees that all provisions of this chapter are valid and that he and his heirs and assigns shall hold such lot subject to all the provisions of this chapter and subject to all amendments to this chapter made by the mayor and board of aldermen.

(Ord. No. 2015-02, § 1, 3-19-2015)

Sec. 30-3. - Management and supervision of municipal cemeteries.

- (a) The responsibility for the management and general supervision of all municipal cemeteries shall be vested in the city clerk.
- (b) Temporary rules. The city clerk shall have the right to establish temporary rules whenever in his/her judgment, the best interests and safety of the public and the cemetery demands, but must report such temporary rule to the mayor and board of aldermen for action thereon at its next regular meeting.
- (c) Cemeteries covered. All cemeteries owned and/or maintained by the city, or which may hereafter be acquired by the city, wheresoever situated, are hereby declared to be public burial grounds, subject to the provisions of this chapter.

(Ord. No. 2015-02, § 1, 3-19-2015)

Sec. 30-4. - General rules and regulations.

The following rules and regulations shall apply in regard to the cemetery, including use and enforcement of this chapter, unless otherwise and specifically stated:

- (a) Decorum. Cemetery ground being sacredly devoted to the interment and repose of the dead, strict observance of decorum due to such a place will be required of all persons.
- (b) Strangers in funeral zone. Strangers shall not approach the grave at which a funeral is being conducted and when deemed necessary by the city clerk or upon request of the lot owner or his representative, a funeral zone may be established and properly marked and no one except persons attending the funeral will be permitted to trespass within its boundaries.
- (c) Places of entrance. No person shall enter nor shall any vehicle be propelled or driven into any cemetery except through the established gates and entrances thereof.
- (d) Sightseeing or heavy vehicles. Sightseeing vehicles or other heavy or cumbersome vehicles shall not enter any cemetery without permission of the city clerk.
- (e) Work suspended. Workers must suspend their labors within the immediate vicinity of a funeral until the conclusion of such service.
- (f) Vehicle speed. No vehicle shall be driven in any cemetery at any time at a speed greater than is reasonable and proper under all circumstances, and in no event in excess of 15 miles per hour.
- (g) Noise or disorderly conduct. No person shall make any improper noise or disturbance or use any profane or indecent language or conduct themselves in a disorderly manner within the limits of any cemetery.

- (h) Food or beverages prohibited. No person shall take any refreshments, food or intoxicating beverages of any kind within the boundary of the cemetery, except such food and temperate beverages as may be required by workers engaged therein.
- (i) Trespassing. Walking or driving through cemetery grounds to property or land outside of any cemetery for the purpose of saving time or distance is strictly prohibited.
- (j) Children. Children under the age of 12 shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purpose of placing flowers on the grave of a deceased relative or friend or performing any other customary evidence of respect in accordance with their religious principles.
- (k) Animals. No animals shall be allowed in any cemetery except in the confines of a vehicle and must at all times be retained within the confines of the vehicle while the vehicle remains in the cemetery.
- (l) Rubbish. It shall be unlawful for any person to leave or scatter rubbish within the confines of the cemetery.
- (m) Vehicle traffic. No vehicle of any description shall be driven or propelled in the cemetery except upon the portions of the roadways set aside for vehicular traffic or for the purpose of opening a grave.

(Ord. No. 2015-02, § 1, 3-19-2015)

Sec. 30-5. - Grave site regulations.

- (a) Care reserved. The city reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in the cemetery.
- (b) Opening and closing of graves. After a lot has been properly identified by the city clerk or a representative thereof and a permit has been issued a grave may be opened and closed by a grave digger as contracted and directed by the funeral home conducting such funeral. Furthermore, the closing of a grave shall include filling and tamping to ensure the least amount of future settling.
- (c) Lot boundaries. A city employee designates the corners of the lot purchased clearly prior to burial therein, and no lot owner shall encroach upon another lot.
- (d) Grave mounds. No grave mounds shall be permitted and graves shall be leveled with the lawn as soon as settling is complete.
- (e) Location of grave. No grave shall be placed so as to have an irregular appearance with graves on the same or adjoining lots.
- (f) Fences, railings, walls, enclosures prohibited. No fence, railing, coping, curb, wall, wall hedge or enclosure of any kind shall be located around or on any lot or grave site. The city reserves the right to remove any of these items without notice and no responsibility for the return to owner will be assumed.
- (g) Existing wall enclosures. Any deteriorated or unsightly wall enclosure shall be the perpetual responsibility of the certificate or deed owner for removal or repair. The city reserves the right to remove any wall or fragments without notice to the owner, if deemed that the wall is deteriorated and unsightly and/or prevents the city from performing routine maintenance.
- (h) All grave sites must be covered with grass. It is expressly prohibited to outline a grave site with any material such as brick, brick stones, pebbles, gravel, landscape materials, etc.
- (i) No objects are allowed on graves. All objects or forms of decoration will be removed from gravesites without notice and with no responsibility for return to the owner; this includes trees, shrubs, plantings, flags, statuary, toys, cans, ornaments, all glass, crockery, Styrofoam, balloons, and any similar items.

- (j) No grave site shall be illuminated by any means. No lighting fixtures may be installed on a grave site, this includes staked solar lights or battery powered lights.
- (k) No one shall plant any plants, flowers or trees on a grave site.
- (l) Memorial flags are defined as the American Flag with a staff of no more than 30 inches, and a flag no larger than 12 inches by 18 inches (12"X18"). Memorial flags are allowed to be placed one week before and must be removed no later than two weeks after the following holidays: Memorial Day, July 4th, and Veteran's Day.
- (m) Restricted use. Lots shall not be used for any purpose other than a place for the remains of human bodies or human cremains.
- (n) Mausoleums. The construction or placing of mausoleums upon lots in the cemetery shall not be permitted.

(Ord. No. 2015-02, § 1, 3-19-2015) Updated 3/18/2021

Sec. 30-6. - Flowers, trees and shrubbery.

- (a) Any flowers, plants, or flora that become wilted and/or faded, may be removed by the city or its representatives.
- (b) Artificial and fresh floral arrangements are permitted provided they are in a vase that is permanently mounted on the monument or memorial. One (1) stand-alone staked vase is permitted at a grave site with the absence of a monument or where a flat in-ground monument is present. Any vase containing a floral arrangement that becomes unsightly may be removed by the City or its representatives. Under no circumstances may vases of glass, porcelain, or similar substances be placed at a gravesite. Saddle arrangements on monuments are acceptable.
- (c) Freestanding hangers, brackets and other materials used for hanging plants, flowers or flags are not allowed. Wreaths or other similar religious items as customarily used during the Christmas/holiday season are permitted at a grave site if staked, mounted on an easel or stand, and no larger than 30 inches. Wreaths or other similar religious items will only be permitted during the Christmas/holiday season from Thanksgiving through January 10 and will be removed by the City of its representatives thereafter.
- (d) The city is not responsible for loss, theft, or damage of any type of floral arrangement and/or container placed within the cemetery.
- (e) Trimming trees and shrubbery. If any trees or shrubbery situated upon any lot, which by means of their roots, branches or otherwise, become detrimental to the adjacent lots or roadways of the cemeteries, or are unsightly or inconvenient to pedestrians or vehicles, it shall be the right and duty of the city to enter the lot and remove, cut back or trim such trees or shrubbery.
- (f) Protection to flowers, trees, shrubs. No person shall cut, remove, injure or carry away any flowers, shrubs, trees, plants, vines or any growing thing in or from the cemetery.

(Ord. No. 2015-02, § 1, 3-19-2015) Updated 3/18/2021, 12/16/2021

Sec. 30-7. - Interments.

- (a) Interments in the Liberty Hill Cemetery shall be classified in two ways:
  - (1) Burial in a casket and vault.
  - (2) Burial of cremains.

- (b) Interment in casket and vault. Only one person shall be buried in a grave site. No casket shall be placed in a grave without the use of a vault as defined in section 30-1.
- (c) Interment cremations. Up to four cremains shall be permitted in one grave site. Cremains may, but are not required, to be placed in an urn or vault. Cremains shall be buried and not scattered.
- (d) Interment or burial permit required. No interment shall be permitted without a permit as required by law. This permit shall be issued by the city clerk or a designee.
- (e) Interment or burial permit fees. Payment of interment or burial permit fees are paid to the city clerk at the time of issuance of the burial permit. Interment or burial permit fees shall be as set by resolution of the mayor and board of aldermen.
- (f) Notice of funeral. Notice of funeral, with identification of the grave, must be furnished to the city clerk within a reasonable time or in advance of the interment.
- (g) Control of funerals. All funerals and interments in any cemetery shall be under the direction of the funeral home director. The funeral home director is solely responsible to make sure that all permits are issued by the city and that the grave is properly dug, in the correct location, and the grave properly filled after burial.
- (h) Errors. In the event an error is committed in the interment of the remains of any person, the city reserves the right to remove and reinter the remains in a vacant grave site of equal value and similar location within the cemetery, as may be substituted and conveyed in lieu of the mistaken property. The party who committed the error in opening the grave shall be responsible for all said costs. Under no circumstances will the city assume responsibility for errors in opening graves.

(Ord. No. 2015-02, § 1, 3-19-2015)

Sec. 30-8. - Disinterment.

- (a) Disinterment. The city holds that a lot or grave once used for burial thereby becomes sacred ground and the city shall refuse to allow the body buried therein to be disinterred by court order and the city reserves the right to refuse any such request except that of a court order.
- (b) Funeral directors or a representative must be present for disinterment.

(Ord. No. 2015-02, § 1, 3-19-2015)

Sec. 30-9. - Monuments or headstones.

- (a) Monuments or headstones. A monument or headstone should be designed with reference to the location in which it is to be placed, consideration being given to the number, size and character of monuments standing near it. Such monuments or headstones shall be constructed out of cut stone or real bronze, and no limestone, sandstone or any artificial material will be permitted. All foundations shall be built of solid masonry and shall be at least as wide as long as the base stone resting upon it and must not project above the surface of the ground. Foundations for monuments and headstones shall be of a sufficient size to carry the load of the headstone or monuments. The city reserves the right to place an identification marker on any lot until such time that a permanent monument or headstone is placed.
- (b) Monument with multiple cremains. For a grave site with multiple "up to four" cremains, there shall be only one above ground monument containing names of the cremains or individual flush ground "markers" of the cremains.
- (c) The city is not responsible for the condition or maintenance of headstones placed at grave sites within the cemetery.

- (d) The city reserves the right to order any removal of any headstone or monument that contains any inappropriate or profane language.
- (e) Protection to markers, monuments, headstones or cemeteries. No person shall deface, injure, disturb, mark or write upon any marker, monument, headstone, fence or structure in the cemetery. In addition, no person shall disturb, deface, alter, or disrespect or injure any cemetery plot, casket, marker, or any other area within the boundary of the cemetery.

(Ord. No. 2015-02, § 1, 3-19-2015)

Sec. 30-10. - Certificate of burial rights.

- (a) Sale of burial rights in a lot. Purchase of burial rights in lots in cemeteries shall be made from the city clerk and the purchasers shall acquire only the privilege or right to make interments in the lot so purchased.
- (b) Persons holding certificates evidencing burial rights within the cemetery shall possess burial rights only to such cemetery lot but title to the burial lot shall remain in the city.
- (c) Burial rights for grave sites sold shall only be in Sections B, D, E, and F of the Liberty Hill Cemetery.
- (d) Certificates of burial rights shall be issued by the city clerk upon payment of such fee as may, from time to time, be established by the mayor and board of aldermen. The certificate shall be in a form to be prescribed by the city clerk, subject to approval by the city attorney.
- (e) The city clerk shall keep such records as are necessary to properly identify the holders of burial rights.
- (f) If a certificate is lost, misplaced or destroyed and a replacement therefore is requested, the party requesting it may be required to furnish a bond and/or hold harmless agreement protecting the city from the consequences of such reissuance. The replacement certificate shall be appropriately designated as such.
- (g) Contents of certificate of burial rights.
  - (1) Certificate of burial rights shall bear the name of the owner or owners, lot number, number of graves, legal description, sum of payment, name of cemetery and such other information as may be necessary and shall be signed by the city clerk.
- (h) Transfer of certificates of burial rights. Burial rights shall be transferable and upon presentment of proper evidence of a lawful transfer, the city clerk may issue a new certificate.
  - (1) Transfer by court order. In the absence of a written order to the contrary, the city will after the owner's death, honor a transfer of ownership by court order when presented for record to the city clerk.
  - (2) Transfer by affidavit of descent. In cases where the owner is deceased and there is no estate to be probated, the heirs of the deceased shall submit an affidavit of descent to the city clerk, and upon submission of satisfactory evidence, approved by the city attorney, the clerk shall attached said affidavit to the corresponding certificate of burial rights on file for future reference.
- (i) Lot prices. Payment for lots in city cemeteries shall be made to the city clerk. Lot prices shall be as set by resolution of the mayor and board of aldermen.
- (j) Deposit of sales funds. All money received by the city clerk for the sale of lots in the city cemetery shall be deposited into the general fund.

- (k) Burial designations. A lot owner or their legal representative may, at any time, designate in writing whom they wish buried in their lot or grave, forbid the burial of certain persons and have a record made of such desire with the city clerk.
- (l) Recording power to act. Power to act for the owner of any lot must be filed for record with the city clerk to become operative.
- (m) Sale subject to rules. Every lot or single grave sold is subject to the rules and regulations now in force or that may be hereafter adopted and to such changes of the present rules as are found necessary for the protection of lot owners and the remains of the dead.
- (n) Remuneration prohibited. It shall be unlawful for the owner of any lot to allow an interment to be made in any cemetery for remuneration.

(Ord. No. 2015-02, § 1, 3-19-2015)

Sec. 30-11. - Visiting hours.

No person shall enter or remain within any cemetery for the period beginning from sunset to sunrise, except workers employed by the city.

(Ord. No. 2015-02, § 1, 3-19-2015)

Sec. 30-12. - Violation.

- (a) Any person performing any act forbidden by this chapter or failing to perform any act required by this chapter shall have breached this chapter and, upon conviction thereof, shall be punished as provided by section 1-11 and shall be responsible for all costs to correct any said violation.
- (b) State law. Any violation of state law shall also be considered a violation of this chapter.

(Ord. No. 2015-02, § 1, 3-19-2015)

Sec. 30-13. - Preservation and protection of Grogan Street Cemetery.

City staff is hereby authorized and directed to take the proper and necessary steps to preserve and protect the private cemetery known as the Grogan Street Cemetery, and this section authorizes the expenditure of public funds for the upkeep, preservation and protection of said cemetery.

(Ord. No. 2015-02, § 1, 3-19-2015)