

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MONROE, GEORGIA, WITH RESPECT TO CEMETERIES; AND FOR OTHER PURPOSES.

The Mayor and Council of City of Monroe, Georgia, hereby ordains as follows:

Article I

Amend Chapter 26, Cemeteries, Article I In General by deleting said sections in their entirety and substituting the following in lieu thereof:

Sec. 26-1. 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:

Bronze marker means a memorial bronze or other cast metal projecting above ground level no more than one-half inch.

City cemetery means that tract of land located within the city currently utilized for the burial of the dead and designated as City of Monroe Municipal Cemetery.

Corner marker means a marker buried flush with the ground at the inside corners of plots or lots, the maximum dimension of which is six inches by six inches.

Funeral home means an establishment in which the dead are prepared for burial or cremation and in which wakes and funerals may be held.

Ground cover means the number, in inches, of soil material to be deposited over the burial vault and/or casket at ground level.

Lot means that tract of land capable of accommodating the burial of two individual outer burial containers.

Maintenance fee means that fee charged the owners of cemetery plots, lots or mausoleums for maintenance and upkeep of such plots, lots or mausoleums throughout the year.

Mausoleum means an aboveground structure erected for the purpose of the interment of deceased bodies.

Monument means a memorial structure consisting of granite, stone, marble or other designated manmade material marking the plot or lot in which a burial has or will take place.

Notification of burial means that notice requested to be given the city representative by the mortician or other responsible party of date and time of burial.

Outer burial containers means any container designed for the placement in the grave around the casket, including, but not limited to, such containers commonly known as burial vaults, grave boxes and grave liners.

Permanent marker means a marker made of a permanent material such as concrete, marble, masonry, iron, steel, or metal and identifying the name of the individual with date buried carved, etched, sandblasted or stamped into the marker.

Permit means that document allowing burial in the city's cemetery. The permit shall be obtained prior to burial from a designated city department.

Plantings means any growth of herbaceous, annual and perennial flowers permitted to be planted on a plot or lot within the cemetery as designated by the city's representatives.

Plot means that tract of land located within the cemetery containing one or more cemetery lots.

Section means that area of the cemetery containing a number of plots and/or lots.

Temporary marker means a marker identifying the name of the individual with the year buried and the name of the funeral home.

Sec. 26-2. Intent; scope.

It is hereby the intent of the mayor and council, in order to promote the orderly development and maintenance of the municipal cemetery of the city, that the following rules, regulations and requirements shall be adopted and shall govern all interments within the cemetery.

Sec. 26-3. Description of cemetery boundaries; dedication of land for cemetery use; markers authorized; city administrator's authority.

(a) A legal description containing the location, dimensions, courses, distances, metes, bounds and deed references for the city cemetery shall be as shown on a map or plat retained permanently in the official map area at the city hall to be designated as "Official Description and Plat of the City of Monroe Cemetery."

(b) Such land is hereby dedicated to cemetery use, and it shall be used for cemetery purposes only.

(c) In the new "Blomeyer" section, there shall be placed on such cemetery property only graves with bronze grave markers, and such bronze grave markers shall not project or protrude above ground level.

(d) It shall be unlawful for any person to close up or obstruct any walkway between lots in any city cemetery, by erection of monuments in or across the walkway, or by putting up a wall or any other obstruction that would prohibit full passage between lots.

(e) Should any walkway in a city cemetery be closed or obstructed as prohibited in the preceding section, condemnation proceedings shall be commenced against the person offending, and the monument or other obstruction shall be confiscated and removed from the walkway.

(f) The city administrator is hereby authorized and directed to do any and all acts and things necessary to manage and control the use of the above-described land for the purposes herein stated.

Sec. 26-4. Plots, lots.

(a) *Purchase of lot.* Any person desiring to purchase a plot or lot within the city cemetery may do so by depositing with the city the full cost of the plot or lot selected. At the time of purchase, the purchaser shall be issued a receipt upon which is noted the plot and/or lot number, as well as the cemetery section designation, the purchase price and name and address of purchaser and any other necessary information required by the city.

(b) *Purchase price.* The purchase price of any lot within the city's cemetery shall be as set forth in the schedule of fees and charges on file in the office of the city clerk. The purchaser shall waive any or all air rights over the lot purchased.

(c) *Deeds to be given, recorded; recording fee.* Any person desiring a private lot in the city-owned cemetery shall, upon payment of the price of any lot, be entitled to the sole privilege of burying thereon. The city clerk shall issue to the purchaser of any lot a deed giving specific information so as to delineate the lot for that purchaser's sole privilege of burying thereon. The number of the lot, names of the purchaser and date of the deed shall be entered in a book kept by the clerk for that purpose. The city clerk shall be authorized to collect a recording fee from the purchaser to ensure that the deed is also recorded in the office of the clerk of the superior court of the county. Such property sold may not be sold, transferred or assigned to third parties in any event. Such property may be sold, transferred or assigned only to the first party, the city, and only with consent of the first party, for a consideration to be agreed upon at that time and not to exceed the original purchase price.

(d) *Lot size.* All lots sold within the city's cemetery shall measure a minimum of ten feet by ten feet.

(e) *Plot size.* A plot shall consist of any number of lots having a common boundary line on at least one side or end.

Sec. 26-5. Grave site openings--Permit required.

(a) *Permit required.* There shall be required by any party responsible for opening any grave site located on any lot within the cemetery a permit issued by a representative of the city. The permit shall be obtained a minimum of 24 hours in advance of the site opening. The notice may be waived by the city in extenuating circumstances.

(b) *Permit fee.* The fee charged by the city for the issuance of a permit to open a grave site shall be as set forth in the schedule of fees and charges.

(c) *City responsibility.* It shall be the responsibility of the city's representative upon receipt of the permit fee to locate the grave site and to mark same in such manner as to be clearly identifiable to the party

responsible for opening the grave site. In no event shall any party attempt to open a grave site prior to identification of the site by the city.

(d) *Opening of grave.* The opening of a grave in the city cemetery without a permit shall be an offense punishable as provided in section 1-12.

Sec. 26-6. Same--Specifications.

(a) *Dimensions.* All grave sites shall have an opening sufficient in size to accommodate the casket and outer burial container.

(b) *Ground cover.* All graves shall be dug to a depth sufficient to allow a minimum ground cover of 18 inches.

(c) *Material disposal.* All excess soil removed from a grave site shall be deposited at a site designated by the city representative.

(d) *Soil removal methods.* In no event shall the removal of excess material result in the damage to surrounding plots and/or lots, cause ruts to develop, cause damage to surrounding trees, shrubbery, flowers, monuments, etc. In the event of such damage the person responsible shall pay to the city its cost of repair of such damage.

(e) *Soil compaction.* All grave sites opened shall have the soil returned to the site fully compacted to prevent the settling of such soil after completion of the burial. The costs of any settling at the grave site that takes place within one year of the burial which requires city personnel to correct shall be charged to the party responsible for the original grave site opening.

(f) *Outer burial container required.* For all burials in the city cemetery, the city will require, in addition to a casket, an outer burial container approved by city officials that is made of such material and of such thickness as to render the grave site impervious to eventual cave-ins (materials such as concrete, 1 1/2 inches thick, coated metals of 12 gauge or thicker, or manmade materials impervious to decay). Wooden boxes do not comply with this requirement. This container must be buried deep enough as to not protrude from the ground after compacting and settling of the soil.

(g) *Permanent marker.* Within a reasonable time a permanent marker identifying the name of the individual and the date buried, etched, sandblasted or stamped into the marker shall be permanently affixed in such a way that the marker would not hinder maintenance of the plot.

(h) *Temporary marker.* The funeral home shall at the time of burial affix to the ground, displayed in a position as to be read, a temporary marker identifying the name of the individual and the year buried.

Sec. 26-7. Plot and/or lot corner markings.

(a) *Permit required.* If the owner and/or heirs wish to designate the location of any plot or lot within the city cemetery with the installation of corner markers, a permit to do so shall be obtained from the designated city department. All corner markers shall be a maximum of six inches by six inches in size and shall be set flush with surrounding ground level on the inside corner of the plot or lot so marked. There shall be no fees in the (old section) of the cemetery, for grave openings, markers or monuments, however, nothing contained herein waives any requirement for a person burying someone in the (old section) of the cemetery from applying for and receiving a permit for the grave opening and/or marker, however, no fee will be charged for a permit.

(b) *Permit fee.* A fee as set forth in the schedule of fees and charges shall be charged the applicant for a corner marking installation to assist in defraying the cost to the city for location of corner marking sites on behalf of the applicant.

(c) *Debris removal.* It shall be the responsibility of the party installing corner markers to remove from the cemetery all excess soil, etc., resulting from installation of the corner markers. If such debris, soil, etc., is not removed within five working days from the installation of same, the city shall remove such material at the expense of the responsible party.

Sec. 26-8. Monuments.

- (a) *Installation permit required, fee.* There is hereby required a permit for the installation of any monument and/or bronze marker within the city cemetery. The party responsible for installation of such monument and/or marker, prior to such installation, shall make application for a permit to install same to the designated city department and pay the designated department a fee as set forth in the schedule of fees and charges. Such fee is established for the purpose of helping in defraying cost to the city in locating on behalf of the applicant the plot/lot on which such monument/marker shall be installed.
- (b) *Monument base.* The base on which all monuments and/or markers are to be located shall consist of poured concrete to a depth and size sufficient to support the monument/marker without cracking. All such bases shall not protrude above surrounding ground level in excess of one-half inch.
- (c) *Material disposal.* The removal of all excess material resulting from the installation of a monument and/or marker base shall be the responsibility of the person making such installation. If all such removal is not completed within five working days from date of installation, the city may remove same and charge all costs therefor to the party obtaining the installation permit.
- (d) *Damage to property.* The party responsible for the installation of the monument/marker base or the monument/marker shall be responsible for the cost of repair of any damage to property incurred within the cemetery as a result of such installation.
- (e) *Bronze markers.* The city may, in its discretion, designate specific locations within the cemetery wherein only bronze plaques or other similar type markers will be permitted. When so done, the owners of plots/lots within the designated area shall not be permitted to erect monuments/markers, etc., other than those so designated.

Sec. 26-9. Number of burials per lot.

There shall be no more than two burials per lot within the city cemetery, except in the case of cremated remains or infant burials wherein four burials per grave site will be permitted. Each such burial shall be considered a separate burial unless accomplished at the same time.

Sec. 26-10. Plantings.

- (a) No flowers, trees or woody plants shall be planted on any lot in the city cemetery.
- (b) The director of the public works department, with approval by the city administrator, shall have the right and power to have removed from any owner's lot any tree, shrub or plant deemed unsafe and likely to injure any of the improvements in the cemetery.

Sec. 26-11. Desecration of burial site.

The destruction, theft or disturbance of any monument, marker or mausoleum, or their defacement in any manner, shall constitute a desecration of the grave site and shall be punishable by applicable law.

Sec. 26-12. Burial of animals prohibited.

The burial of animals of any nature shall not be permitted within the city cemetery.

Sec. 26-13. Rules and regulations adopted.

The following rules and regulations pertaining to all city cemeteries shall be in full force and effect:

- (1) All graves shall be dug and prepared under the direction or supervision of the public works department.
- (2) No monument shall be more than 42 inches in height above the ground or less than four inches thick.
- (3) The plan, design and location of all monuments and markers must be submitted to and approved by the public works department before work thereon is commenced.
- (4) No fencing, sidewalk, or other enclosure of a grave, lot, or burial space will be allowed. Coping walls will be allowed upon approval by the public works department, provided, however, that any grave sites with coping walls must be topped with stone or marble and must be completely cleared of any grass, weeds, or other vegetation.

- (5) Nothing will be permitted on the gravesites except headstones, coping walls, and stone or marble foot markers.
- (6) All flowers are to be in a container after the preparation and completion of the initial interment.
- (7) All Easter and Christmas flowers will be removed 60 days after placement.
- (8) All flowers will be removed when they become weather worn and begin to deteriorate.
- (9) No flowers, trees, shrubs or other plants shall be planted on any lot.
- (10) No shrines, figurines, statuettes or other memorabilia will be allowed on any grave site in the City Cemetery.
- (11) The City reserves the right to remove items violating this code.
- (12) Vandalism; trespass.
 - a. No person shall damage, injure, obliterate or desecrate any grave or lot.
 - b. No person shall trespass upon any grave.
 - c. No person shall cut, deface, mutilate or otherwise damage or injure any monument or other memorial or marker.
 - d. No person shall damage, injure, destroy, or remove any flower, shrub, tree, or other plant or any structure or other object in the cemetery.
- (13) Reserved.

Sec 26-14. Penalty.

Any person violating any provision of this division, or any rule, order, or regulation made pursuant to this division, shall, upon conviction thereof, be punished as provided in section 1-11.

Article II

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

Article III

This Ordinance shall take effect from and after its adoption by the Mayor and Council of the City of Monroe, Georgia.

FIRST READING. This 13th day of September, 2011.

SECOND READING AND ADOPTED on this 11th day of October, 2011.

CITY OF MONROE, GEORGIA

ATTEST:

By: _____
Julian L. Jackson, City Administrator

Mayor: _____
Greg Thompson