

## **Chapter 6 - CEMETERIES**

### FOOTNOTE(S):

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Editor's note— Ord. No. 99-11, pt. 1, adopted September 7, 1999, amended the Code by repealing former ch. 6, arts. I and II, §§ 6-26—6-30, and adding a new ch. 6, §§ 6-1—6-10. Former ch. 6 pertained to similar subject matter, and derived from the Code of 1976, §§ 4-3001—4-3005.

Charter reference— Municipal powers, § 1.12.

Cross reference— Administration, Ch. 2; licenses and business regulations, Ch. 12; motor vehicles and traffic, Ch. 13; noise control, Ch. 15; zoning, App. A; regulation of traffic at cemetery, § 13-2.

State Law reference— Dead bodies, O.C.G.A. § 31-21-1 et seq.; interment of deceased indigents, O.C.G.A. § 36-12-5; receipt of cemetery or burial lots in trust, annual returns, commissions, O.C.G.A. § 36-37-4; municipal corporation as trustee of funds donated to cemetery, O.C.G.A. § 36-37-5; Georgia Cemetery Act of 1983, O.C.G.A. § 44-3-130 et seq.; authority of coroners, etc., to disinter bodies, O.C.G.A. § 45-16-45.

### **Sec. 6-1. - Jurisdiction.**

This chapter shall apply to all cemeteries owned by the City of Stone Mountain.

(Ord. No. 99-11, pt. 1, 9-7-99)

### **Sec. 6-2. - Management.**

(a) The city manager shall be responsible for the execution of this chapter and may, subject to the purchasing ordinances of the city, contract for services for the execution of this chapter.

(b) Where referenced in this chapter, "sexton" shall mean the city manager or the city manager's designee.

(Ord. No. 99-11, pt. 1, 9-7-99)

### **Sec. 6-3. - Rules for interment or disinterment.**

(a) No interments shall be allowed in the city cemeteries unless:

- (1) A burial permit has been obtained from the sexton.
- (2) Full payment has been received for the burial lot.
- (3) The person arranging for the burial has a right to the use of the lot.
- (4) The lot is not used beyond its capacity.

(5) Proper record is made of the name and age of the deceased person and of the exact location of the grave.

(6) All interments except the remains from cremation shall require a coffin or casket that is contained in a vault. The specifications of vaults must be approved by the city in advance of interment. Each vault shall be buried to such a depth that there will be a minimum of twelve (12) inches of earthen cover between the top of the vault to the natural ground level. The requirement of a vault may be waived by the sexton for burials in lots designated for indigents.

(7) All orders for the opening of graves must be filed at City Hall in writing on forms furnished by the city. Notice of twenty-four (24) hours will be required before interment. In case of emergency, notice may be less than twenty-four (24) hours, provided the party responsible for opening a grave can prove reasonable cause and a good faith effort to make notice as soon as possible.

(8) A burial permit, issued by the board of health of DeKalb County or other authorized authority, must accompany every application for the opening of a grave if the death occurred outside the state.

(9) Remains of cremation must be accompanied by a certificate from the crematorium.

(10) A deposit set by resolution of the governing authority has been paid to guarantee the installation of grave markers within ninety (90) days of interment. Grave markers must have the full name, date of birth and date of death of the deceased engraved on the marker. Grave markers must be approved and conform to the regulations found in section 6-8 of this Code. Upon installation of approved grave markers the deposit shall be refunded to the depositor.

(b) No deceased person shall be disinterred from a municipal cemetery without a permit obtained from the sexton. Where evidence of a grave exists either in the records of the cemetery or by sounding, a rightful burial by permission of the lot owner shall be presumed, and the body shall not be moved. Removal may be allowed only when proof is tendered that the person requesting removal is the next of kin and has the right of removal. A copy of this proof must be tendered to the sexton at the time of removal along with payment of the permit fee. The city shall be supplied by the person requesting removal with a statement of indemnity releasing the city from any liability by the performance of the removal.

(Ord. No. 99-11, Pt. 1, 9-7-99; Ord. No. 2013-03, pt. I, 3-5-13)

#### **Sec. 6-4. - Fees and lot valuation.**

(a) The mayor and city council by resolution shall place a value on all unsold lots in municipal cemeteries and have such valuations recorded on an official map or plan thereof, to be filed in the office of the city clerk.

(b) The mayor and city council by resolution shall establish the fees required for a transfer of ownership, and burial or disinterment permits.

(Ord. No. 99-11, pt. 1, 9-7-99)

**Sec. 6-5. - Records of ownership.**

(a) The city clerk shall keep full and complete records of the ownership of all municipal cemetery lots, of the burial capacity of each lot, sold and unsold, of the location of each grave and the names of the persons buried therein and the date of burial of each.

(b) A fee shall be required for the transfer of ownership of lots in the municipal cemeteries.

(c) The city clerk shall submit to the mayor and city council an updated annual report on the ownership records required in section 6-5(1) within six months of the end of each calendar year.

(Ord. No. 99-11, pt. 1, 9-7-99)

**Sec. 6-6. - Cemetery accounts.**

(a) There shall be a budgetary fund established for both revenues and expenditures for city owned cemeteries. No receipts from cemetery lot sales or burial permits may be appropriated for any purpose other than for the maintenance or improvement of the city owned cemeteries.

(b) All gifts, grants, bequests, or other moneys received by the city for the city owned cemeteries shall be recorded in the cemetery fund.

(c) The city clerk shall keep full and detailed accounts of cemetery receipts and expenditures.

(Ord. No. 99-11, pt. 1, 9-7-99)

**Sec. 6-7. - Digging of graves.**

(a) No person, company, funeral director, grave digging service or vault service shall open a grave in the city cemetery without a city permit issued by the sexton.

(b) The sexton shall be authorized to require proof of insurance form any person or company performing grave openings.

(c) Any person digging graves in a municipal cemetery must remove all unused or surplus dirt, rocks and other materials from the cemetery so as to leave the lots and walks or roads in good condition. With the permission of the sexton surplus materials may be placed in the cemetery at the direction of the sexton.

(d) A grave opening fee shall be set by the sexton to cover the administrative costs to the city of such grave openings.

(e) No heavy machinery will be allowed in the cemetery in wet weather.

(Ord. No. 99-11, pt. 1, 9-7-99)

**Sec. 6-8. - Rules for construction and maintenance.**

- (a) All work must be approved in advance by the sexton including that done by private owners, contractors, and monument companies.
- (b) Monuments, paving, curb, wall, coping or any other edifice constructed on cemetery lots shall be made of marble, granite or other natural stone material. No brick or cinder block material shall be allowed in the construction or repair of any cemetery lot or monument. Steel reinforced concrete walls shall be allowed upon approval by the sexton.
- (c) All headstones and markers shall have proper foundations no wider than three (3) feet.
- (d) No fence, railing, or enclosure of any kind will hereafter be allowed to be erected in any part of the cemeteries unless previously approved by the sexton. The erection of vaults or tombs wholly or partly above the ground will not be allowed without special permission from the sexton. Applications for permission to build such structures must be accompanied by plans and specifications for approval.
- (e) No marble or stone enclosure or box shall be erected or built over any graves on any lot unless approved by the sexton. In cases where it is desired to duplicate those structures already on a lot, such enclosures or boxes must be supported by foundations at the center of the sides as well as at the ends. Applications for permission to build such structures must be accompanied by plans and specifications for approval.
- (f) Guy ropes may be attached to trees or posts only by special permission from the sexton, sufficient padding to be used in all cases. Planks must be laid on the sod where barrows or trucks are used to move stone.
- (g) No mortar or cement shall be mixed on the roadways or paths. Boards must be used in every case. No monumental work shall be delivered at the cemetery until the foundation is completed, and the contractor is ready to proceed with the work. Notice must be given at city hall before any monumental work is brought into the cemetery.
- (h) No stone work shall be brought into the cemetery on weekends except by permission of the sexton.
- (i) The sexton shall have the authority to enter any lot or grave site and issue stop work orders in connection with any provision of section 6.8. The sexton shall also have the authority to remove any dead or dangerous tree, shrub, vine, structure, or any object contrary to the regulations contained in section 6.8.
- (j) A fee set by resolution of the governing authority shall be required for the installation by the city of boundary markers for every lot purchased.

(Ord. No. 99-11, pt. 1, 9-7-99; Ord. No. 2013-03, pt. I, 3-5-13)

**Sec. 6-9. - General rules and regulations.**

- (a) No signs of an advertising nature shall be permitted within the cemetery.

(b) Visitors are required to keep to the walks and roads, and are not permitted to climb upon banks, terraces, walls or monuments.

(c) No alcoholic beverages shall be permitted in the cemeteries.

(d) Reserved.

(e) Removal of flowers following a burial shall be the responsibility of the lot owner or family of the deceased, and shall be completed within ten days of burial. Papers or decayed flowers must not be thrown on the roadways of lots, but must be removed from the grounds or placed in trash receptacles.

(f) No through traffic shall be permitted in city owned cemeteries.

(g) City owned cemeteries shall be closed to the public at dusk each day except for the holder of a valid burial permit or the holder of a license issued by the state to operate a funeral home, or with permission of the sexton.

(h) It shall be unlawful for any person to block or obstruct any of the walks or driveways in city owned cemeteries.

(i) It shall be unlawful for the owner of any animal to bring such animal into any city cemetery, except for seeing eye dogs and any honorary guard utilizing horses in a funeral procession.

(j) Only one (1) flag, plaque, banner, emblem or any manner of signage shall be permitted to be displayed at any one (1) time on a grave site in which a human body is interred.

(k) No flag, plaque, banner, emblem or signage displayed on a grave site on which a human body is buried shall exceed dimensions of eleven (11) inches by fourteen (14) inches or a total of one hundred fifty-four (154) square inches regardless of dimensions.

(l) Flags, plaques, banners, emblems or other signage which do not exceed the dimensions or square inch restrictions set forth in paragraph (k) above may only be displayed by a direct descendant of the person interred in the grave site. Flags, plaques, banners, emblems or other signage as set forth in paragraph (k) above may be displayed by a non-relative or organization for a period of thirty (30) days on a grave site upon submission of written approval for such display to the city by a direct descendant of the person interred in the grave site.

(m) No flag, plaque, banner, emblem or other signage shall be displayed on any city property without an affirmative resolution of the city council approving such display.

(Ord. No. 99-11, pt. 1, 9-7-99; Ord. No. 2010-10, 9-7-10; Ord. No. 2012-01, pt. I, 1-3-12)

#### **Sec. 6-10. - Penalties.**

Any person guilty of a violation of this chapter shall be punished as provided in section 1-11.

(Ord. No. 99-11, pt. 1, 9-7-99)