

**CHAPTER 24: MUNICIPAL CEMETERIES**

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§ Ordinance #230 adopted 2-8-2016

**Section 24-101      Ownership of Cemeteries**

No new place for burial shall be opened up in said city, except upon petition to council and by permission granted in writing by them to do so. Private cemeteries are to be discouraged as prejudicial to the health and growth of said city.

**Section 24-102      Authority of City to Regulate**

- (a) The mayor and council reserve to themselves and their successors in office the right to alter, amend, modify, or add to the rules, regulations, condition, and restrictions herein set forth at any time it is deemed advisable to do so in order to carry out the purposes of this article.
- (b) There shall be no liability whatsoever, whether tort or contractual, on the part of the city, its officials, officers or their successors in office, or its agents or employees to any purchaser or to the family or relatives of any person buried in the Danielsville Memorial Gardens, or to any person or the family of such person who has erected any markers by reason of any act or acts, thing or things, omission, negligence, or otherwise relating to the cemetery. In accepting any conveyance of any burial lot, each purchaser agrees that all provisions of this article are valid and that he and his heirs and assigns shall hold such lot subject to all the provisions of this article and subject to all amendments hereto made by the mayor and city council.

**Section 24-103      Management and Supervision**

The responsibility for the management, operation, maintenance, and general supervision of all municipal cemeteries shall be vested in the city council.

- (a) Advisor and Superintendent of Municipal Cemeteries.

**Appointment** - The mayor and city council shall appoint an advisor and a superintendent of municipal cemeteries. The city clerk or his/her designees shall serve as the advisor for the municipal cemetery(s) and the maintenance supervisor or his/her designees shall serve as the superintendent for the municipal cemetery(s); at which either officer shall be subject to removal at any time by the council.

**Duties** - The superintendent and advisor of the Danielsville Memorial Gardens shall look after and take proper care of all municipal cemeteries and see that no lot in any cemetery is used or occupied in violation of this article or of any rule or regulation promulgated by the mayor and council.

**Advisor** - Shall be responsible for recording all pertinent information of the cemetery including burials, lot sales and transfers, into the proper cemetery logging system; including the filing of the warranty deed for real property with the Madison County Clerk of Court.

**Superintendent** - Shall be responsible for marking and locating graves, maintaining the cemetery grounds including the mowing of the lawn and edging of all markers, preparing the ground after a burial to prevent sinking and to re-seed the freshly dug grave.

## Section 24-104

### Purchase and Conveyance of Lots

- (a) Lot valuation. The Danielsville Memorial Gardens shall be divided into four sections (A, B, C, D), within each section the Memorial Gardens shall be divided into 20'W x 20'L Lots, within each lot the Memorial Gardens shall be divided into 5'W x 10'L Graves; valued per grave in the amount established in section 24-107. At least (10%) ten percent of all lot sales will be deposited into a perpetual care fund and the interest thereof shall be used for future cemetery maintenance. The perpetual care fund may be set up as a money market, Certificate of Deposit, or other interest earning financial plan, and the funds deposited quarterly or annually at the discretion of the mayor and city council. Such valuations shall be recorded on an official map, plan, or log of the Danielsville Memorial Gardens, such map, plan or log shall be kept on file, open to public inspection, in the office of the city clerk.
- (b) Method of purchase. Any person desiring to purchase an easement in a particular lot or lots for the purpose for which it is intended shall be permitted to do so upon full payment of the price fixed for such lot. No partial payments or payment plans will be accepted.
- (c) Manner of conveying. Conveyances of burial lots shall be executed in the name of the city by the mayor and city clerk and have affixed thereto the seal of the city. Such conveyances shall not convey fee simple title, but shall convey to the purchaser of each burial lot an easement for the exclusive right of interment and sepulcher in such lot, shall state the maximum number of graves allowed on each lot as shown by the plat, and, by reference therein made, shall convey each lot subject to all the provisions of this article as fully as if set out in each such conveyance.
- (d) Recordation of deed. At the time the city conveys any burial lot, the city clerk, in addition to collecting from the purchaser an amount sufficient to have such conveyance recorded in the superior court clerk's office, shall have such conveyance so recorded before delivery thereof to such purchaser.
- (e) Sale or transfer by owner. No sale or transfer of any such burial lot or any right therein, nor any subdividing of any burial lot by any purchaser or those claiming under him, shall be valid unless approved in writing by the city or until the deed to transfer and such written approval are recorded in the superior court clerk's office.

## Section 24-105

### Rules of Interment and Inurnment

The interment or inurnment of the dead in said city shall take place in the daytime, in the usual, orderly, and decent manner, and in a reasonable time after death. Only one body may be interred per grave. This includes cremation of human remains; only one body per cremation urn and only one urn may be inurned per grave.

No deceased person shall be interred or inurned in any municipal cemetery until the advisor/city clerk has found:

- (1) That the lot in which burial is to be made has been fully paid for;
- (2) That the person arranging for such burial has the right to the use of such lot;
- (3) That such lot is not used beyond its capacity; and
- (4) That proper record is made of the name and age of the deceased person and of the exact location of the grave.

The superintendent/public works supervisor shall see to it that all graves are dug and burials take place on the lots of the owners thereof:

- A. If a deceased person is buried on a lot without permission of the owner of the lot, the Mayor shall give written notice to the funeral home director who handled the burial service or to the deceased person's next of kin that such deceased person must be removed within forty-eight (48) hours after such notification. If the person notified fails to remove the deceased person within forty-eight (48) hours, the Mayor shall make arrangements to move the body to the pauper's lot;
- B. The superintendent shall provide the advisor/city clerk with the proper section, lot, and grave information of each burial which takes place, so that the advisor may properly log such information.

**Section 24-106 – Disinterment**

After burial no body shall be moved, except by consent and order of the Mayor and Council. Such requests should be made at the City Clerk's Office.

**Section 24-107 City to Set Aside Cemetery Site**

Danielsville shall furnish a public cemetery in which lots shall always be ready for sale at a reasonable price. Lots will be sold at a cost to be set by the mayor and city council; who may amend the cost from time to time as needed. The current fee schedule is as follows:

<b>MEMORIAL GARDENS FEE SCHEDULE</b>	
(Effective 4/09/12)	
City Residents:	
\$650/ ea	Purchase of 1 Grave
\$600/ ea	Purchase of 2 or More
Graves	
County (Outside of City) Residents:	
\$850/ ea.	Purchase of 1 Grave
\$800/ ea	Purchase of 2 or More
Graves	
Outside of Madison County (Non City/County)	
\$1500/ ea	Purchase of Each Grave
Other Services:	
\$575	Open/Close of Each Grave
\$250	Cremation (Burial of Urn)

**Section 24-108            Burial of Indigent Persons (Paupers)**

The city shall follow the O.C.G.A §36-12-5.

**Section 24-109            Cleanliness of Cemetery**

After burial, building of walls, placing of tombstones, or other work in the public cemeteries, persons having the work done shall immediately remove from the cemetery all trash, litter, refuse or other things that may mar the cleanliness of the place.

\*\*Sections 24-110 through 24-120 shall be recorded as part of the warranty deed, so as, to ensure each purchaser is aware of the protective covenants of the Danielsville Cemetery\*\*

**“THE WITHIN PROPERTY IS CONVEYED SUBJECT TO THE PROTECTIVE COVENANTS FOR THE NEW DANIELSVILLE CEMETERY RECORDED AT DEED BOOK 1050, PAGE 244-246, MADISON COUNTY SUPERIOR COURT RECORDS, AND TO THE FOLLOWING RESTRICTIONS:”**

**Section 24-110            Depth of Burial**

Any excavation or grave in which a dead body is buried within the City of Danielsville, Georgia, must be covered with at least eighteen (18) inches of soil on top of the cement vault in which the body is placed and be level with the ground and around the excavation or grave. Any excavation or grave in which cremated human remains have been placed into an urn vault, must be covered with at least twelve (12) inches of soil on top of the urn and be level with the ground and around the excavation or grave.

This Section is a health measure and will be strictly enforced by the city.

**Section 24-111            Placements of Monuments**

There shall be no monument or other miscellaneous items erected on any lot or grave except markers for each grave. All monuments, corner stones, or any other appurtenances shall be set flush with the existing ground level so as to permit mowing without damage to such monuments or to the machinery used in mowing.

**Section 24-112            Designation of Markers**

Prior to installation of any corner markers or monuments the city's ~~Advisor~~ City Clerk shall be notified and will have the Supervisor of the Cemetery to mark or designate the location of such items. Markers must not impede lawn maintenance.

**Section 24-113            Crushed Stone or Gravel Not Permitted**

No exposed crushed stone or gravel shall be permitted in the cemetery. If any such stone is required in conjunction with installation of markers of any kind it shall be completely covered with soil so as to permit grass to grow over it.

**Section 24-114      Detachable Vases or Urns**

Any vases or urns shall be detachable so as to permit them to be removed for mowing. No glass containers, glass vases, or other breakable glass items shall be allowed on graves or on cemetery property.

**Section 24-115      Vehicle Drives**

The vehicle drives within the bounds of the cemetery have been provided solely for the use and convenience of the respective lot owners and are not public thoroughfares. They shall therefore not be used by others for joy riding, drinking or necking parties, or other recreational pastimes.

**Section 24-116      Pets**

No pets shall be permitted inside the cemetery and any violation will make the owner, if known, liable to prosecution. If the owner of the animal can't be located, the animal will be turned over to animal control and may be destroyed forthwith.

**Section 24-117      Cemetery Hours**

The cemetery, though ungated, shall not be considered opened to the public between the hours of 6:00 p.m. and 7:00 a.m. There may be extended hours in the summer at such time or times as designated by resolution of the City Council, to be posted on a sign mounted on or near the entrance.

**Section 24-118      Grave Opening/Closing**

The opening and closing of all graves will be performed by the city or the city's contracted services. The location of the graves on each lot shall be approved by the Cemetery Supervisor prior to opening. A grave being opened for the interment of the dead shall measure 5'W x 10'L x 6'D. A grave being opened for the inurnment of cremated remains shall measure 2'W x 2'L x 2'D. After burial no body shall be moved, except by consent and order of the Mayor and Council. Such requests should be made at the City Clerk's Office.

**Section 24-119      Sealing of Casket and Urns**

Each casket to be interred must be sealed in a **cement** vault. Each urn to be inurned must be sealed in a **lined urn vault**. Vaults are used to protect the casket or urn from the weight of the earth and cemetery maintenance equipment that will pass over it.

**Section 24-120      Offenses**

1. **Trespassing**: No person shall trample upon the lots or interfere in any way or manner whatsoever with any tombstones, trees, flowers, grass, fence, or other portion or part of such cemeteries;
2. **Vandalism**: It shall be unlawful for any person to remove, deface, or in any manner injure any monument, enclosure, mausoleum, headstone, corner marker, or ornament, or to cut down or injure any shrub, tree, or other plant without the express consent of the cemetery's governing authority. Vandalism of any kind shall be prosecuted as set forth in Section 24-121.
3. **Littering**: Littering is strictly forbidden and shall be punishable by fines of up to Five Hundred Dollars (\$500.00).

4. Trees and shrubs: No trees or shrub shall be planted, removed, cut down, or destroyed within the borders of any burial lot, walks, or lawn spaces.

**Section 24-121      Offenses Declared a Misdemeanor**

Violation of any offense in this Chapter is a misdemeanor and except where otherwise provided, every crime declared to be a misdemeanor shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or by confinement in jail for a total term not to exceed twelve (12) months, or both.