MOUNT OLIVET CEMETERY ORDINANCE

State law references: Criminal trespass and damage to property, O.C.G.A. §16-7-20 et seq.; permit for disturbing burial place in land development, O.C.G.A. §36-60-6; preservation and protection of abandoned or unmaintained cemeteries, O.C.G.A. §36-60-6.1.

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Signature acknowledging receipt of Ordinances:

_____ _____

Signature of owner/responsible party for purchase Date

_____ _____

Witness Date

Sec. 11-1. 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.

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.

Mt. Olivet Cemetery means the town cemetery.

Notification of burial means that notice requested to e 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 and the name of the funeral home carved, etched, sandblasted or stamped into the marker.

Permit means that document allowing burial in the Mt. Olivet 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.

Town cemetery means that tract of land located with the town currently utilized for the burial of the dead and designated as Mt. Olivet Cemetery.

Sec. 11-2. Intent; scope.

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

Sec. 11-3. Description of cemetery boundaries; dedication of land for cemetery use; markers authorized; Mayor's authority.

a. Description of Cemetery Boundaries

A legal description containing the location, dimensions, courses, distances, metes, bounds and deed references for Mt. Olivet Cemetery shall be shown on a map or plat retained permanently by the city to be designated as "Official Description and Plat of the Mt. Olivet Cemetery."

b. Dedication of Land For Cemetery Use

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

c. Markers Authorized

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. Authority of Mayor

The Mayor 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.11-4. Plots, lots.

e. ***Purchase of lot.*** Any person desiring to purchase a plot or lot within Mt. Olivet Cemetery may do so by depositing with the town 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, name and address of purchaser, and any other necessary information required by the town.

f. ***Purchase price***. The purchase price of any lot within Mt. Olivet Cemetery shall be as set forth in the schedule of fees and charges. The purchaser shall waive any or all air rights over the lot purchased.

g. ***Lot size***. All lots sold within Mt. Olivet Cemetery shall measure a minimum of four feet by eight feet.

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

Sec. 11-5. Grave site openings—Permit required.

i. ***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 town. The permit shall be obtained a minimum of 24 hours in advance of the site opening. The notice may be waived by the town in extenuating circumstances.

j. ***Permit fee***. The fee charged by the town for the issuance of a permit to open a grave site shall be set by the Mayor or his designee from time to time. 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.

k. ***Town responsibility***. It shall be the responsibility of the town'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 not event shall any party attempt to open a grave site prior to identification of the site by the city.

l. ***Opening of grave.*** *O* The opening of a grave in Mt. Olivet Cemetery without a required permit shall be an offense punishable as a misdemeanor.

Sec. 11-6. Same—Specifications.

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

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

o. ***Material disposal*.** All excess soil removed from a grave site shall be deposited at a site designated by the town representative.

p. ***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 town its cost of repair of such damage.

q. ***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 town personnel to correct shall be charged to the party responsible for the original grave site opening.

r. ***Outer burial container required***. For all burials in Mt. Olivet Cemetery, the town will require, in addition to a casket, an outer burial container approved by town 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 ½ inches thick, coated metals of 12 gauge or thicker, or manmade materials impervious to decay). Wooden boxes do not comply with this requirement.

s. ***Permanent marker*.** The funeral home shall at the time of burial affix to the ground, displayed in a position as to be read, a permanent marker identifying the name of the individual, the date buried, and the funeral home's name carved, etched, sandblasted or stamped into the marker. The marker must be permanently affixed in such a way that the marker would not hinder maintenance of the plot.

Sec. 11-7. Plot and/or lot corner markings.

t. ***Permit required*.** If the owner and/or heirs wish to designate the location of any plot or lot within Mt. Olivet Cemetery with the installation of corner markers, a permit to do so shall be obtained from the designated town 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.

u. ***Permit fee*.** A fee as set forth by the Mayor or his designee shall be charged the applicant for a corner marking installation to assist in defraying the cost to the town for location of corner marking sites on behalf of the applicant.

v. ***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 town shall remove such material at the expense of the responsible party.

Sec. 11-8. Monuments.

w. ***Installation permit required, fee*.** There is hereby required a permit for the installation of any monument and/or bronze marker within Mt. Olivet 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 town department and pay the designated department 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 town in locating on behalf of the applicant the plot/lot which such monument/marker shall be installed.

x. ***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 inch.

y. ***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 the date of installation, the town may remove same and charge all costs therefore to the party obtaining the installation permit.

z. ***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 report of any damage to property incurred within the cemetery as a result of such installation.

aa. ***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. 11-9. Number of burials per lot.

There shall be no more than two burials per lot within Mt. Olivet 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. A town cremation depository will not be so limited as to the number of remains.

Sec. 11-10. Plantings.

bb. The owners of plots or lots within Mt. Olivet Cemetery shall be restricted to planting only herbaceous, annual and perennial flowers on such plots or lots.

cc. No trees or woody plants shall be planted on any lot in Mt. Olivet Cemetery.

dd. Cohutta public works by direction of the Mayor, 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. 11-11. 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. 11-12. Hours open.

The hours during which Mt. Olivet Cemetery shall be open to the public are hereby established as 8:00 a.m. to 30 minutes after sunset. Any person apprehended within the confines of the cemetery at any time other than the hours herein designated without approval of the town shall be deemed guilty of a misdemeanor.

Sec. 11-13. Burial of animals prohibited.

The burial of animals of any nature shall not be permitted within Mt. Olivet Cemetery.

Sec. 11-14 Violations

Any firm, person or corporation who shall do anything prohibited by these regulations as the same exist or as they may hereafter be amended or who shall fail to do anything required by these regulations as they now exist or as they may hereafter be amended is hereby declared to be guilty of a misdemeanor and shall be punished as provided by law. Each day of prohibited use shall constitute a separate offense.

Adopted by the Cohutta Council at second reading on March 4, 2014 as part of the Cohutta Code and effective upon publication.
After notice, public hearing and two readings, readopted in the revised code this 24th day of October, 2017.