

City of Elberton, Georgia



Cemetery Handbook

Updated through August 8, 2016

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City of Elberton
CEMETERY HANDBOOK

Introduction

The City of Elberton owns, operates, and maintains two municipal cemeteries, Elmhurst Cemetery and Lincoln Heights Cemetery. The Mayor and Council of the City of Elberton has established by Ordinance the polices and rules governing cemetery operations, and this ordinance has designated and assigned to the City Manager the responsibilities and duties to implement the ordinance by setting day-to-day policies, rules and procedures for cemetery operations.

The staff of the City of Elberton has compiled this handbook with cemetery information, rules, regulations, polices, and procedures. This handbook is intended to help purchasers of cemetery lots, families, funeral service providers, and cemetery visitors understand the rights, duties, and responsibilities of all parties, including the city, for the municipal cemeteries.

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City Staff for Municipal Cemeteries

Following are the current employees that are responsible for the operation of the cemeteries and will meet with customers, families, visitors, and funeral home personnel as needed. Memorial permit applications and burial requests are reviewed by these personnel. Appointments are required for in-person consultation about cemetery lots and interments. Please make an appointment at least 24 hours in advance. Same day meetings are not available due to maintenance schedules.

Grant Jones, Cemetery Director

gjones@cityofelberton.net

Office Location and Contact Information

**Administrative Office for
Both Cemeteries:**

**Customer Service Center
230 North McIntosh Street**

Mailing Address:

**Post Office Box 70
Elberton, GA 30635-0070**

Cemetery Office Phone:

706-213-3173

Customer Service Phone:

706-213-3278

Online Information and Forms:

www.elbertoncemeteries.com

Schedule of Rates, Costs, and Service Fees

Rates for cemetery lots and cemetery services are set by the Mayor and City Council and change periodically. Please check with the city for the current rates and fees. As of this printing, they are:

Interments, opening and closing of graves	\$800.00
Interment of cremains	\$175.00
Cemetery lots, single grave space	\$800.00
Cemetery lots, double grave space	\$1,500.00
Cemetery lots, four or more purchased at the same time	\$600.00 per lot
Memorial permits	\$30.00

Elmhurst Cemetery

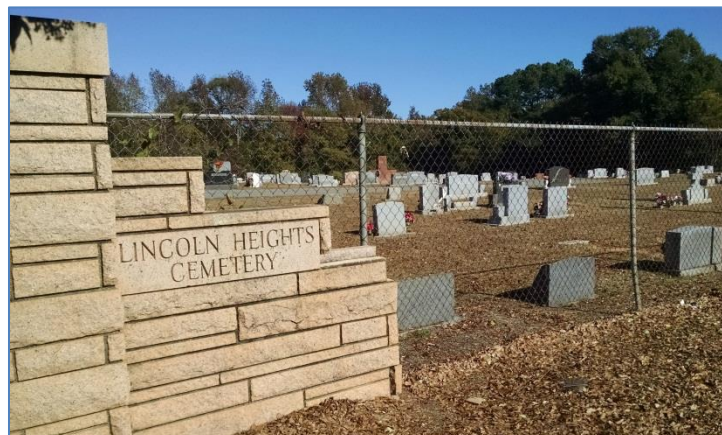
Elmhurst Cemetery is located on North Oliver Street (Georgia Highway 77) about one mile north of the town square. This cemetery was established in 1883, and the city acquired the property 20 years later in 1903. Persons are buried in Elmhurst who actually died prior to 1883 because sections of the cemetery were set aside for the burial of Confederate dead previously interred in other parts of the country. A section was also set aside for the burial of Civil War veterans who were then still living. Additionally, graves were moved from the First Methodist Church's cemetery in the early 1900s when that congregation was building a parsonage and needed the land behind the church.



The cemetery has been added to over the years, encompassing over 34 acres today. Elmhurst Cemetery is divided into sections known as Additions, with the earliest Additions being closed to new sales. Lots are now available on the east side of the property in the 8th, 10th, 11th, and 12th Additions. There is a section for mausoleums along the north of the cemetery where spaces are also available. The new Additions in Elmhurst do not permit coping or other raised stone areas around the perimeter of a grave or family plot. Cemetery plots are available to accommodate families and couples in plots of 2, 4, 6, or 8 grave spaces. Single spaces are available in certain areas.

Lincoln Heights Cemetery

Lincoln Heights Cemetery is located on Lincoln Avenue, which is between Mill and Campbell Streets, just northeast and outside the city limits of Elberton. The City of Elberton acquired Lincoln Heights in 1977, and began management of the cemetery at that time. However, it was originally created in 1962, and burials date back to the 1960s. The sections in Lincoln Heights are named Forest Park, Druid Hills, Sunrise, Sunset, and Elberta. Lots are available for sale on the north side of the property in the Elberta, Sunrise, and Sunset sections. Coping or other raised stone areas around the perimeter of a grave or family plot is prohibited.



Chapter 1: Sale and Conveyance of Lots, Interment Rights, and Disposition of Lots

The owner of a right of interment receives a right, or burial easement, to be interred in a grave only, and the city as owner of the cemetery retains fee simple ownership of the land. The owner of the right of interment does not receive with the right of interment any easement rights or other property rights in the land. In the absence of specific disposition by the owner of rights of interment in a will or other written declaration of record, the owner and his or her spouse have the primary rights of interment. Any remaining interment space may be used by the descendants of the original owner, to be used first by children in order of need, then by other closest relatives in order of need.

Sale and Conveyance of Lots (§ 12-6; § 12-18).

The price for lots in municipal cemeteries is set from time to time by the Mayor and City Council. 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 in such lot. The department shall keep full and complete records of the ownership of all lot easements in the municipal cemeteries, of the burial capacity of each lot, of the location of each grave, of the names and ages of the persons buried in each grave that has been or shall be used, and of the date of burial of each.

The purchaser of a lot or lots is conveyed only the right of interment of human remains and the right of installation of a memorial on each lot.

Lots may not be sold or transferred unless approved in writing by the city, and no lots may be acquired solely for resale. All conveyances executed by the city contain a clause reserving to the city the right of first refusal to repurchase the lot if the grantee subsequently desires to offer the lot for sale. If lot transfers are approved by the city, then a new lot easement will be prepared and recorded with the new owner of record listed.

Purchasing Cemetery Lots (§ 12-6; § 12-18).

Interment rights to cemetery lots will be sold Monday through Friday during normal business hours except in cases of unforeseen immediate need, and at that time only when approved by the Cemetery Director.

Lots can be purchased for cash or on a time payment plan. The following is the only installment plan available: Twenty percent (20%) of the purchase price down, and the balance in monthly payments equal to ten percent of the sale price until paid in full. Therefore, the lot will be paid in full no longer than eight months after the initial down payment is made. No lots may be reserved without being purchased or without entering into an installment payment plan. In the event of default in making installment payments which shall continue for more than six months, the city reserves the right to resell unused portions of lots, or to declare all rights and title to lots forfeited, or to remove bodies interred therein to other locations selected by the city.

Upon full payment of cemetery lots, a document of ownership, or burial easement, will be issued by the city evidencing ownership. Easements to lots purchased on the installment plan shall not be delivered until the purchase price is paid in full. No monuments, markers, or other structures shall be placed on a lot, and no interments shall be allowed until the burial right has been paid for in its entirety.

In the event that any lot is purchased immediately prior to the time of interment, arrangement must be made for full payment of such lot before the interment will be made. A purchaser has no right, interest, estate, or title whatsoever to any lot until the purchase price is paid in full.

Disposition of unused or abandoned lots (§ 12-19).

To preserve the active nature of the cemetery, any interment space will be deemed abandoned if there is no recorded activity on the lot for a period of 60 years, subject to notice as hereinafter provided. For purposes hereof, the city shall give notice to the lot holder that due to the passage of 60 years with no recorded activity, the city will consider the interment space abandoned if the lot holder does not notify the city within 30 days of the lot holder's intent and desire to maintain rights to the interment space. Such notice shall be given by regular mail to the lot holder at the address on file with the city. Any lot deemed abandoned may be reclaimed by the city, and disposed of as the city sees fit.

Should a lot holder of an unused interment space no longer need the lot in the cemetery, he or she may sell the lot back to the city at the original purchase price.

Passing of Interment Rights after the Death of the Lot Owner.

All interment rights purchased shall be presumed to be owned by the person named as the owner on the burial easement until the owner's demise. In the absence of specific disposition by the owner of rights of interment in a will or other written declaration of record, the interment rights of unused lots will pass to the original owner's legal spouse. The legal spouse of the owner at the time of the owner's demise shall have a vested right of interment in any unused burial space of the owner. A vested right of interment as herein provided may be waived and shall be terminated upon disposition elsewhere of the remains of the person entitled thereto.

The owner and his or her spouse have the primary and secondary rights of interment pursuant to a spouse's vested rights. In the absence of specific disposition by the owner of rights of interment in a will or other written declaration of record, remaining interment spaces may be used by the descendants of the original owner. Any unused burial spaces may be used by the children of the original owner in order of need. In the event that a child of the original owner is interred, a reservation will be established of the spouse to that deceased child. After the children of the original owner are deceased or after the children of the original owner relinquish any interest in any remaining interment space, then the descendants of those children may use the spaces in order of need. Should the owner of the right of interment die without leaving directions for the plot's future use, any rights of interment will become the property of the city.

Chapter 2: Interment Services and Procedures

The City of Elberton is the exclusive service provider for interment services in the municipal cemeteries. Interment services include the opening and closing of graves. Interment services by the city are available seven days a week provided that personnel are available to meet the needs of the department. The city reserves the right to refuse service if a request for burial is received less than 24 hours before the funeral service.

The price for interment services by the city are set from time to time by the Mayor and City Council. Fees must be paid prior to services being rendered. Additional charges apply to burials that take place prior to 9:00 a.m. or later than 4:00 p.m., Monday through Friday. Additional charges apply to burials on Saturdays, Sundays, or adopted city holidays. No burials are permitted on Thanksgiving Day or Christmas Day. No burials are permitted after sunset, and no funeral service should begin later than two hours before sunset. Interment services must be completed, graves, niches or crypts must be closed, and all persons associated with the funeral must be out of the cemetery by sunset.

Rules for Interment (§ 12-7; § 12-9).

No deceased person shall be interred in any municipal cemetery until the Cemetery Director has found that:

1. The person arranging for such burial has the right to use such lot; and
2. Such lot is not used beyond its capacity; and
3. Proper record is made of the name and age of the deceased person and of the exact location of grave; and
4. A legal burial order has been issued.

All graves shall be opened and closed by the city, under the supervision of the Cemetery Director. The department shall be notified at least 24 hours prior to the planned time of interment for the purpose of opening and preparing the grave site.

Interments shall be made in vaults of approved steel, concrete or an alternative non-biodegradable material of sufficient strength. Vaults must be water resistant and air tight and contain a tongue and groove locking system. The use of wooden vaults shall not be allowed in municipal cemeteries. All vaults shall be buried to a minimum depth of 12 inches measured from the top of the vault to the finished grade of the closed grave.

The city recommends, but does not require, that a permanent marker be placed on a person's place of interment.

Interment Rights, Interment Orders and Instructions.

No remains shall be buried in any earthen grave or entombed in any crypt except by written consent of the owner of the interment rights or his or her heir or agent. The city shall not be held responsible for any interment order given verbally or by telephone, or for any mistake occurring from the lack of precise and proper instructions as to the particular space or location in a lot or mausoleum where an interment is desired. Interment orders must be filed with the city by next-of-kin, owner of the interment rights, or the owner's agent.

The owner of the interment rights, next-of-kin or agent of the owner must physically select a specific space and sign an interment order attesting to burial space selection prior to an interment, unless specific interment instructions, signed by the owner of the interment rights and notarized, have been filed with the department. The size of each burial lot is normally five and one-half feet by eleven feet, although there are varying sized lots

that may be slightly smaller or larger. The city shall mark all burial lots prior to burials and shall mark all corner markers, headstones, and monuments prior to being set.

An urn which is to be interred in the ground must be placed in an outer burial container designed for urns, or the urn itself must be of sufficient strength and designed as a single system for interment in the ground. The outer burial container for an urn must not exceed 18 inches in length and 18 inches in width and 18 inches in height.

Only one casket, vault or full interment shall be allowed per burial space. Up to four urns of ashes or cremains may be interred in a single space with no casket, vault or full interment, provided however that a burial plan for urns has been established for multiple burials on one grave space prior to the first interment. In no circumstances will an urn be exhumed or moved in order to make space for future burials.

Funeral Directors' Responsibilities.

Funeral Directors will be held responsible for the actions of all vehicle drivers or others employed by them while within the grounds of the cemetery. The Funeral Director will be held responsible for all vehicles in a funeral procession. All vehicle and traffic regulations must be observed. The Funeral Director must ensure that vehicles are parked properly for a burial service. If a Funeral Director is not used, the person making funeral arrangements will be held responsible for the interment service.

Any equipment used in the cemetery for any purpose will be under the strict supervision of the city. No vaults or other materials may be stored within the city cemetery area.

Columbaria and Mausolea.

Owners of a private columbarium or mausoleum are responsible for inurnment or entombment, however, such activities must be performed under the supervision of the city. The city will not open and close doors, niches and crypts in columbaria and mausolea.

Funeral Service Equipment.

Any tents, chairs, lowering devices, or other temporary items used for a burial service must be removed within 24 hours after the funeral service, by the rightful owner of such items.

Suitable devices for placing caskets, vaults or other burial containers into earthen graves or mausolea, or such devices for removal of the same, may be requested from Monument Companies or Funeral Directors when planning a burial service. The city does not provide devices for handling, lowering or lifting.

In no event shall the removal of excess material result in the damage to surrounding lots, cause ruts to develop, cause damage to surrounding trees, shrubbery, flowers, or monuments. In the event of such damage the person responsible shall pay to the city the cost of repair of such damage.

Private Contractors Work Activities and Responsibilities.

Work activities on cemetery lots include, but are not limited to, installation, construction, maintenance or removal of vaults, structures, or monuments. All persons who perform any private work of any description on any cemetery lot in which they do not own burial rights must be employed by a company with a current business license for the type of work performed. The owners or heirs of the burial rights may perform general cleaning and upkeep to the structures and grounds on their cemetery lots.

Contractors shall be responsible for any damage on private cemetery lots or within the general areas of the cemetery incurred during the process of work activities. Contractors will be held responsible for the actions of all persons employed by them while within the cemetery grounds. Contractors must immediately report to the city any damage to trees, shrubbery, turf, signs, coping, lot markers, monuments, utilities or structures caused by their personnel, vehicles, or work activities in the cemetery. Contractors must restore any damage to the turf including the filling of ruts and the removal of any tire tracks or other evidence of vehicles or equipment caused by work activities.

Any firm conducting business within the city cemetery is responsible for maintaining the cleanliness of the area in which they work.

Contractors shall remove from the cemetery and legally dispose of any surplus or waste materials generated by their work activities daily and immediately upon the completion of their work. This includes any vegetative materials removed from cemetery lots. The city may require more frequent disposal of excessive waste or waste which may detract from a scheduled funeral or special event.

Chapter 3: Memorials, Monuments and Markers

The erection and placement of memorials, monuments, markers, headstones, footstones, and mausoleums shall be subject to the supervision and approval of the city. A memorial permit is required of all installations prior to any work beginning in the cemetery. All patrons are strongly encouraged to apply for and receive a memorial permit from the city before purchasing any memorial, monument, or marker.

Memorial permits are issued by the Cemetery Director after a permit application has been received and reviewed. The fee for a memorial permit is set from time to time by the Mayor and City Council. The purpose of the memorial permit is to evidence the approval of the city that the memorial to be installed meets all regulations and requirements of the city. Various sections of the cemeteries have differing memorial requirements, and therefore an examination of the memorial design or plan is required to determine compliance with cemetery rules and standards.

The first step in placing a memorial, monument, or marker in the cemetery is the completion of a Memorial Permit Application. This application form may be obtained from the Customer Service Center, from the Cemetery Director, or on the cemetery website, www.elbertoncemeteries.com. This application is filed with the Cemetery Director either in person, by mail, or by electronic means such as email or facsimile. Permit applications are promptly reviewed, and a decision will be communicated within five business days to the applicant.

Definitions of Memorials, Monuments, and Markers (§ 12-1).

Memorial means a monument, tombstone, grave marker, tablet or headstone identifying a grave or graves or a name plate or inscription identifying a crypt to preserve remembrance.

Monument means a large memorial for use on family lots and commonly inscribed only with the family name.

Marker means a small individual memorial placed at either the head or foot of a grave. This may be made of one or more pieces, and is sometimes referred to as a headstone or footstone.

Mausoleum means a structure or building for the entombment of human remains in crypts in a place used, or intended to be used, for cemetery purposes.

General Requirements and Restrictions (§ 12-35; § 12-9; § 12-33).

- a. Only one monument will be allowed for a two-grave space. Only one marker will be allowed on any one grave.
- b. The locations of memorials on lots must be approved by the Cemetery Director. This is evidenced in writing and only with a memorial permit.
- c. The city shall not be financially responsible for any loss or damage to any memorial caused by thieves or by windstorms or any other act of God or the common enemy.
- d. *Grave slab ledgers* are permitted in some older sections of city cemeteries. They are not permitted in the 8th, 10th, 11th, and 12th Additions of Elmhurst Cemetery, and they are not permitted in the Elberta, Sunrise, and Sunset Sections of Lincoln Heights Cemetery.

- e. *Benches* are permitted in some older sections of city cemeteries. They are not permitted in the 8th, 10th, 11th, and 12th Additions of Elmhurst Cemetery, and they are not permitted in the Elberta, Sunrise, and Sunset Sections of Lincoln Heights Cemetery. Benches may be allowed in these new sections if they are a part of, and incorporated into, the lot monument.
- f. *Coping* is permitted in some older sections of city cemeteries. Coping is not permitted in the 8th, 10th, 11th, and 12th Additions of Elmhurst Cemetery, and it is not permitted in the Elberta, Sunrise, and Sunset Sections of Lincoln Heights Cemetery.
- g. No curbing, fencing, or enclosure of any sort shall be erected on, in, or around any burial lot. Hedges, walls, coping, wooden trellises, iron fences and post and chains for the purpose of enclosure of lots are prohibited. Curbing by the cemetery roads is allowed, but it may only be installed by the Department of Public Works at fees set forth for that service.
- h. Any statues, sculptures or figurines placed on a cemetery lot must be approved by the Cemetery Director prior to installation through the permit process. Photographs or drawings of such structures may be submitted for approval in advance of purchase. Any statue, sculpture, or figurine must be tasteful and suitable for display in a public cemetery in the sole judgment of the Cemetery Director. The city will attempt to ensure that such structures do not depreciate the value of surrounding cemetery lots.
- i. No lots will be allowed to be paved or covered with gravel in the 8th, 10th, 11th, and 12th Additions of Elmhurst Cemetery, and it will not be allowed in the Elberta, Sunrise, and Sunset Sections of Lincoln Heights Cemetery.
- j. The planting of flowers and shrubs or any other effort to improve or beautify any lot within a municipal cemetery shall be done only after the plans for such work shall have been submitted to and approved in writing by the Cemetery Director. Nothing contained in this paragraph shall be construed to prohibit the decoration or adornment of any grave site with potted or cut flowers or plants.
- k. No grave mounds will be permitted in municipal cemeteries.
- l. Beginning at the north entrance gate of Elmhurst Cemetery and running 300 feet west, more or less, a section of the cemetery is reserved for mausoleums. This section will be bordered on the south by an existing access road which parallels this section for the prescribed distance. Mausoleums to be placed at a location other than in the reserved area must be approved for that location by the city through the memorial permit process. Special care must be taken with the siting of mausoleums so that the opening and closing of the doors or crypts can be accomplished without impacting the adjoining grave lots or spaces. Therefore, mausoleums normally are sited only next to existing access roads or in the section reserved for mausoleums.
- m. All cemetery structures must be approved in writing by the Cemetery Director prior to their installation. Cemetery structures include, but are not limited to, monuments, markers, headstones, corner markers, gates, fences, walls, coping, cradles, slabs, ledgers, statues, benches, vases fountains, bird baths, flagpoles, signs, fountains, trash receptacles, crypts, mausolea, columbaria, buildings, and any hard scape constructed or placed within a cemetery.
- n. No monument, headstone, vault, mausoleum, marker or other similar structure that is offensive or unreasonably interferes with the maintenance and care of burial spaces or detracts from the appearance and dignity of the cemetery shall be erected, placed or maintained in the cemeteries.

- o. Arrangements must be made to replace any monument or marker temporarily moved for a burial service. All monuments or markers temporarily moved must be replaced within seven days of moving.

Requirement for Memorial Permit (§ 12-31; § 12-33).

No memorial may be placed in the cemetery until the seller, owner, or donor thereof has furnished to the city, on a form to be furnished by the city, the following information, and until the city has issued an approved permit in writing for the erection of such memorial:

1. Lot and grave numbers or other designation
2. Trade name of material
3. Name of quarrier and manufacturer
4. Inscriptions and family name
5. Sketch of proposed memorial, showing size, type, and location of all lettering and carving
6. A certificate, properly executed, setting forth that the memorial is free from sap, foreign substance or flaws which will cause stains, discoloration, checks, or cracks; provided, however, that artificial coloring may be utilized in the lettering or design of a memorial and such certificate need not relate to any such artificial coloring.

The permit required for the erection of any memorial or unit in the cemetery shall be obtained in advance of beginning work from the Cemetery Director. The charge for each permit shall be established from time to time by the Mayor and City Council.

No monument, mausoleum, headstone or marker shall be erected until a blueprint or scale drawing together with complete specifications have been approved by the city, and until other applicable requirements are met. The city reserves the right to refuse or prohibit the erection of, as well as to remove, any marker, monument or mausoleum erected, if, in the sole judgment of the city, such memorial is not in compliance with the intent of the rules and regulations of the cemeteries.

Foundation Requirements for Memorials (§ 12-32).

A suitable foundation will be required for all markers, monuments, or mausoleums placed in municipal cemeteries. All foundations for memorials placed in the cemetery shall be constructed at the sole expense of the permit applicant. Memorials shall not be set until a monument permit has been given by the city.

No foundation will extend higher than grade level, and each foundation shall be a minimum of four inches wider than the base of the monument or memorial on all sides.

Specifications and Requirements for Memorials (§ 12-34).

- a. *Material.* All memorials shall be constructed of only first quality granite or marble. Lettering, appropriate ornaments, or plaques of bronze or aluminum are acceptable.
- b. *Maximum Size.* The front face area of a monument shall not exceed 15 percent of the square foot area of the lot, which equates to 9 square feet per grave space.
- c. *Height.* In addition to the maximum size restriction above, no memorial may be erected which is taller than 15 feet from the ground level.

- d. *Finishing.* All monuments must be finished in a manner consistent with current acceptable manufacturing practices. Rock pitch finish is recommended for the sides of monument bases. This recommendation is made to minimize potential damage from maintenance and grave digging equipment.
- e. *Lettering.* The size of lettering on monuments shall be commensurate with the size and in keeping with the design of the monument. Relief lettering will not be permitted on markers flush with the ground.
- f. *Corner Markers.* All corner markers shall be 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 being marked.
- g. *Thickness.* The thickness of any monument shall be at least six inches for the tablet and will require two dowel pins. Thickness above six inches will not require dowels.
- h. *Single Grave Lots.* Single grave lots shall have only one marker either at the head or foot of the grave, but not both, unless a special marker is used to recognize military or public service. For a single grave lot, the minimum base size for a single grave lot marker is 20 inches in length and 12 inches in width, and the maximum base size is 36 inches in length and 24 inches in width.
- i. *Family Grave Lots.* Except for monuments of special design, the following minimum and maximum dimensions must be observed for the monument base:

	<u>Minimum base length x width</u>	<u>Maximum base length* x width</u>
Two grave lots	48 inches x 12 inches	72 inches x 24 inches
Four grave lots	54 inches x 14 inches	96 inches x 24 inches
Six grave lots	54 inches x 14 inches	120 inches x 24 inches
Eight or more grave lots	60 inches x 14 inches	144 inches x 24 inches

*Note that these base length maximums are for grave lots where the individual spaces are side-by-side, and not head-to-toe. Head-to-toe lots are restricted to the side-by-side length only. For example, an eight grave lot that is four graves long and two graves wide would be restricted by the four grave lot maximum above.

- j. *Head or Foot Markers.* Markers on family lots may be placed at the head or foot of the grave, whichever is appropriate for the lot layout. Markers placed at the head or foot shall be flush with the ground level, provided that the Cemetery Director may waive this requirement in older sections of the cemeteries to allow memorials that conform with those already erected. Markers must be 12 inches by 24 inches in size.

Responsibilities of Monument Companies.

Monument companies or stone installation agents shall be responsible for any stone or turf or other damage to property incurred during the process of stone installations. In no event shall the removal of excess material result in the damage to surrounding lots, cause ruts to develop, cause damage to surrounding trees, shrubbery, flowers, or monuments. In the event of such damage the person responsible or the permit applicant shall pay the cost of repair of such damage.

The removal of all excess material resulting from the installation of a monument or marker base shall be the responsibility of the person making such installation. If all such removal is not completed within seven days from date of installation, the city may remove the same and charge all costs therefore to the party obtaining the memorial permit.

Hours for Stone Work and Other Activities.

No work shall be done on Saturdays, Sundays, or adopted city holidays without the approval of the Cemetery Director. Hours for stone and memorial installations will be Monday through Friday, 8:00 a.m. to 5:00 p.m.

Chapter 4: Maintenance Rights of the City

The City of Elberton intends to comply with all applicable provisions of the Georgia Cemetery and Funeral Services Act of 2000 as the same may be amended, and all applicable Rules and Regulations promulgated thereunder as on file with the Secretary of State of Georgia. The City of Elberton exercises the right by law to enter any cemetery lot or single grave space to correct any hazardous conditions, and to remove any dilapidated structure or undesirable vegetation that impairs the overall beauty and dignity of the cemetery. The City of Elberton will attempt to notify lot owners of such situations and provide them with the opportunity to make the necessary corrections. The City of Elberton reserves its rights by law to remove any monument or marker that is not permitted prior to its installation. Planting of flowers, shrubs or trees on lots or graves shall not be permitted.

Supervision of Municipal Cemeteries (§ 12-5).

The City Manager has the responsibility of ensuring the proper care of all municipal cemeteries. He also is directed by ordinance to enforce the rules, regulations, policies and procedures of the cemetery. The Mayor and City Council have established rules and regulations by ordinance, and may update or change those rules and regulations from time to time without notice to any cemetery lot owner or heirs of those interred. The City Manager has established policies for the Cemetery Director that may impact the operation of the municipal cemeteries, and he may change those policies from time to time without notice to any cemetery lot owner or heirs of those interred. The Cemetery Director may establish procedures for cemetery operation and maintenance, and he may change those procedures from time to time without notification to any cemetery lot owner or heirs of those interred. Past practice is no precedent for cemetery practice in the present or in the future.

Care of Lots (§ 12-8).

The city will provide generalized care of the walks, drives and common areas of the cemetery, and will provide reasonable specialized care for the burial lots to the extent practicable. Such care will not include watering of lawns nor maintenance of memorials. Persons owning private mausolea or columbaria in any of the municipal cemeteries are required to keep said structures maintained and in a safe condition.

The amount of care and special care given during the year to lots and cemetery grounds shall be subject to limitations of budgeted labor and equipment, or unusual weather conditions or other circumstances beyond the reasonable control of the city.

Cemetery employees are not allowed to receive tips or other gratuities from anyone. They are paid a salary to work for the benefit of all lot owners.

Water service is not available in the cemetery for cleaning of monuments or the watering of vegetation.

Prohibited Decorations.

The following items are prohibited and are subject to immediate removal: (a) decorations in glass or metal containers, (b) lighted holiday arrangements, (c) stones and stone chips used to cover plots, (d) open flames or candles, and (e) decorations on trees or shrubs.

Tree and Plant Maintenance.

The planting of vegetation, flowers, shrubs or trees on lots or graves by the lot owners or heirs is not permitted.

If any trees situated in any lot shall, by means of their roots, branches or otherwise, become detrimental to the structures, adjacent lot or infrastructure, or become dangerous or inconvenient to passengers or interfere with the scheme of development, or become diseased, the city shall have the right to enter the lot and remove the tree or such parts thereof as are detrimental, dangerous or inconvenient.

Removal of Funeral Designs, Holiday Arrangements, and Floral Pieces.

After an interment, funeral designs and floral pieces may be removed by the city after five days or when they become wilted and unsightly. Owners desiring to retain funeral designs or floral pieces must remove them within five days after an interment. Only the owner of the burial rights or cemetery personnel may remove any funeral designs or floral pieces from a cemetery lot.

Holiday arrangements and floral pieces may be removed by the city from the cemetery grounds after 15 days of the holiday or when they become wilted and unsightly. Owners desiring to retain holiday arrangements or floral pieces must remove them within 15 days after the holiday. Only the owner of the burial rights or owner's agent or cemetery maintenance personnel may remove any holiday arrangements or floral pieces from a cemetery lot.

Each family using the cemetery is required to keep its burial lots clean and free of all faded artificial flowers, broken pots, dead flowers, toys, or other debris.

Maintenance of Cemetery Structures.

The city does not routinely clean or repair damaged monuments, markers, coping, mausoleums or vaults on cemetery lots. Such work is the responsibility of the lot owners or heirs. The city will attempt to notify lot owners if cemetery structures on their lots become hazardous or aesthetic blights. Hazardous conditions or blights on privately owned structures that have not been corrected in the time frame established by the notification may be corrected by the city, and the costs for the maintenance will be assessed against the lot.

Lot owners must acknowledge that his or her marker or monument is set in the ground and is subjected to a combination of forces, both natural and man-made, which can damage the granite or stone or alter its appearance. The city is not be responsible for markers or monuments which are damaged or broken as a result of the aforementioned causes.

Damaged, dead, broken, or unattended memorials will be removed without notice.

No plantings, chairs, copings or ornaments are allowed without a permit issued by the Cemetery Director. The city may remove any item deemed inappropriate, diseased, unsightly or damaging to the cemetery.

Offensive Objects.

If any marker, effigy, structure, improvement of the object whatsoever, or any inscription be placed in or upon any lot which may be determined by the Cemetery Director to be offensive or injurious to the appearance of the surrounding lots or grounds, the city shall have the right to enter upon such lot and to conceal such offensive object. The city will attempt to notify lot owners when an offensive object has been placed on their lot with or without their knowledge to provide them with the opportunity to correct the offensive condition. If lot owners have been notified of offensive conditions but have failed to correct those conditions in the time specified by the notification, any charges for removal of offensive objects will be billed against the lot.

Specified Rights Retained by the City.

The rights of the city to enlarge, reduce, replat, or change the boundaries or grading of the cemeteries or of a section of the cemeteries, from time to time, including the right to modify or change the locations of or remove roads, drives, or walks, or any part thereof, is expressly reserved. The right to lay, maintain and operate, alter or hang pipelines or gutters for sprinkling or drainage systems, is also expressly reserved, as well as is the right to use cemetery property not sold to individual lot owners for cemetery purposes, including the interring and preparing for interment of dead human bodies, or for anything necessary, incidental or convenient thereto. The city reserves a perpetual right of ingress and egress over plots for the purpose of passage to and from other plots.

The city may, and expressly reserves the right, at any time or times, to adopt new rules and regulations or to amend, alter or repeal any rule, regulation or article, section, paragraph or sentence in these rules and regulations.

The city may, and expressly reserves the right, at any time or times, to:

1. Modify the existing memorialization plan of any section of the cemetery to allow the installation of raised markers and monuments, to limit the installation of a specific type of memorial, to restrict certain materials, or to restrict the installation of raised markers and monuments.
2. File amended maps or plats thereof without providing copies of the same to owners of places of interment.
3. Take any necessary action for the erection of buildings or structures and for any other purposes or use connected with, incidental to or convenient for the care, preservation or preparation of the cemetery for the interment of deceased persons, or for other cemetery purposes, together with easements and rights of way over and through said premises.
4. Take any necessary action and to have the unfettered right to install, maintain, remove and operate any system or item deemed necessary for the general care and maintenance of the cemetery, including but not limited to, pipelines, conduits, and drainage systems for such uses as sprinkler systems, general drainage, grave drainage, electrical connectivity, or communication lines or for any other purposes.
5. At any time, plant, alter or remove any flora located within the cemetery, including but not limited to any tree, shrub, flower garden or memorial garden. The cemetery may use any area not subject to a right of interment for such purposes.
6. Take any action and make any modification deemed necessary or appropriate for the protection of persons and property.
7. Take any action deemed necessary or appropriate for the proper management of the cemetery and its overall maintenance.
8. Remove any grave accessory or decoration or other personal property located on a place of interment if in the sole discretion of the Cemetery Director, removal is deemed necessary to complete an interment, perform general cemetery maintenance or in connection with the management of the cemetery. The city is not responsible for any damage to or loss of the grave accessory, decoration, or personal property regardless of cause.

Exceptions and Modifications.

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery Director, therefore, reserves the right without notice to make exceptions, suspensions, or modifications to any of these rules and regulations, when, in his judgment, the same appears advisable; such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rule.

Chapter 5: Visitor Conduct and Etiquette

All visitors to municipal cemeteries will conduct themselves in a manner keeping with a hallowed place. All persons are reminded that the grounds are sacredly devoted to the burial of the dead. Persons not complying with these visitation rules will be directed to leave the cemetery grounds. Any individual or organization which habitually violates the rules and regulations of the cemetery will be prohibited from entering the cemetery again, and violators will be prosecuted for trespass. 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. The city prohibits entry into the cemetery from sunset to sunrise for any purpose. Public restrooms are not available within the cemetery.

Proscribed Conduct for Visitors (§ 12-10; § 12-12; § 12-13).

Visitors and the public are invited to utilize the cemeteries in a manner consistent with its purpose as a place of interment and as a memorial.

No persons shall:

1. Enter or remain within the cemetery between the hours of sundown and sunrise;
2. Enter or depart from the cemetery except through an established gate;
3. Carry into or consume within the cemetery any food, refreshments, or intoxicating beverages of any kind;
4. Cut, remove, or injure any growing flowers, plants, shrubs, or trees in the cemetery;
5. Deface, disturb, injure, or mark or write upon any memorial, fence, or structure in the cemetery;
6. Trespass upon, damage, disturb, or desecrate any grave or lot;
7. Deposit litter, trash, or debris within the cemetery except in receptacles which may be provided for that purpose;
8. Permit any dog or other domestic animal to remain in the cemetery;
9. Take or fire any firearm or explosive within the cemetery except for the observance of memorial services, or in the conduct of burial services in which a fired salute is a part;
10. Hold or participate in any meeting, parade, exhibition, recreational activity, or any other use of cemetery grounds and facilities which is not in keeping with the commemoration of the dead;
11. Park, or cause to remain parked, any vehicle within the cemetery unless in attendance at burial services or otherwise be engaged in activities which call for presence within the cemetery;
12. No person will be permitted to peddle flowers or plants or to solicit the sale of any commodity within the cemetery;
13. Place any signs, notices, or advertisements of any kind in the cemetery, unless placed by the city.

Etiquette Expected of Visitors.

All cemetery visitors must conduct themselves in a respectable manner. Horseplay is prohibited. Persons must not jump out at, scream at or deliberately scare or startle any other cemetery visitor.

Cemeteries are considered sacred places and various cultural or religious rituals are frequently associated with interment and memorial services. No person or persons shall engage or participate in any voodoo, witchcraft, Wicca, black magic, satanic or occult rituals, or any other sacrilegious conduct while in a municipal cemetery.

All persons visiting the cemetery grounds are expected to conduct themselves in a proper, respectful and lawful manner consistent with the dedication and use of the property as a cemetery, and persons not complying with these rules will be directed to leave the cemetery grounds.

The following is prohibited: (a) boisterous or unruly conduct, (b) tampering with any grave accessory without authorization from the grave's owner, (c) moving, relocating, altering or adjusting any items set out for an interment, (d) damaging cemetery property, (e) obstructing or interfering with an interment, (f) entering service areas without authorization or invitation, and (f) disturbing other visitors.

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.

No person shall be within the cemetery fencing after dark. The city prohibits entry into the cemetery from sunset to sunrise for any purpose.

Cemetery property may not be used as a means of obtaining access to any adjoining property owned by third parties.

Guests should enter and exit the cemetery property only through the gates designated for such.

Any person apprehended trespassing within the confines of the cemetery at any time other than hours herein designated without approval of the city shall be removed from the premises and deemed guilty of a misdemeanor and may be subject to prosecution.

Children shall be under the direct supervision of a responsible adult at all times. There shall be no playing on or near cemetery markers and monuments. No person under the age of 16 shall be permitted into the cemetery without the direct supervision of a responsible adult.

Dogs, or any other type of pet or domesticated animal, are not permitted at any time within the boundaries of the cemetery, on any type of leash, or running free without a leash. Service dogs are permitted when under the full control of the citizen that requires the use of same. Dogs, or any other type of pet or domesticated animal, are permitted when fully confined within the owner's vehicle.

Disturbing noises including but not limited to yelling, loud conversation, sounding of horns, sirens and loud radios are not permitted. Offensive language is not permitted.

No audio equipment may be used without permission of the Cemetery Director. The playing of radios, tape recorders or players, digital audio players, or other noise making devices is not permitted on cemetery grounds.

All persons, including workers and contractors, in the immediate vicinity of an interment must cease operations and remain quiet during the conducting of services.

No person or persons shall sit or lean on monuments, markers or statues. Any person who causes damage, either intentionally or unintentionally, to public or private property will be held accountable for that damage. The removal of monuments, fences, benches, plantings or other property without proper authorization is theft and will be prosecuted. It is unlawful to play or climb on any slab, headstone, footstone, monument, marker, mausoleum, fence, or cemetery wall. Do not climb or walk on headstones, retaining walls or monuments. Do not pick flowers or break limbs of bushes and trees. Do not climb trees.

It shall be unlawful to remove or rearrange any item, or otherwise disturb any grave site, by anyone other than the rightful owner. It is unlawful to loiter upon the lot of another, except when in the presence of the owner thereof, or by special permission from such owner, or as public necessity may require. Trespassing on any private lot is prohibited.

It shall be unlawful for any person, group, organization, or corporation using the cemetery or adjacent grounds to either perform or permit to be performed any of the following acts and willfully mark, deface, disfigure, disturb, injure, lean on, sit on, or tamper with any: (a) building; (b) bench; (c) water line; (d) any public utilities or parts or appurtenances thereof; (e) grave stones or grave markers or burial sites; (f) vaults and vault covers of any material and their support; (g) monument; (h) grave buildings; (i) corner markers; (j) enclosing walls to any group of gravestones; (k) enclosing fencing of cemetery; (l) fixed statuary; (m) ground elevation and related sites; (n) American or Confederate flags and their metallic holders; (o) cemetery equipment of any type; (p) trees and shrubs whether planted by the city or by relatives of the interred; (q) all trees and shrubs are the property of the city and shall not be cut, defaced, carved on, nailed on, or removed without permission from the Cemetery Director; and (r) facilities or property or appurtenances whatsoever, either real or personal.

Planting gardens on a place of interment is prohibited.

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

Smoking is not allowed within the cemetery. Littering with cigarette butts is not allowed.

Sports such as golf, baseball, and the like are strictly prohibited. No person shall engage in any athletic event or competition while on cemetery grounds.

Treasure hunting is not allowed. Metal detectors are prohibited except for surveying and locating utilities. No artifacts are to be removed from the cemeteries without the permission of the Cemetery Director.

No sale of articles or merchandise is permitted. No soliciting is permitted. No advertising signs, markers, or materials of any kind will be allowed for display purposes on or in the vicinity of the cemetery grounds.

Visitors should use established containers for the disposal of rubbish, waste and debris. Littering is prohibited.

Etiquette When Near a Funeral in Progress and Intrusion on Rights of Mourners.

Casual visitors to the cemetery, who are not members of a funeral procession or party, may not intrude upon a funeral party or loiter about an open grave. Any persons or vehicles in close proximity to a funeral service that are not a part of the service should leave at once. Vehicles or equipment should not operate within sight of a funeral service. Visitors shall not interfere with the rights of family members of deceased persons interred in the cemetery.

Special Events or Activities, and Large Assemblies.

Any special activity or event on cemetery property must be scheduled and approved in advance by the Chief of Police and the City Manager. Permissible activities include, but are not limited to, holiday or memorial services; weddings; monument unveiling ceremonies; educational, historical or cultural awareness tours; public recognition ceremonies; religious events; family or church gatherings; photography or nature appreciation activities; conservation, beautification, or cemetery improvement activities.

The cemetery is not for sensational or entertainment purposes. Any tours or events marketed as haunted, paranormal, or involving ghosts, spiritualists or mediums are strictly prohibited. Athletic events, treasure hunting, loud gatherings, and other activities or events determined to be offensive, sacrilegious, disrespectful or disruptive to the dignity and character of the cemetery will not be permitted.

Interment services shall have precedence over special activities or events in cemeteries. Groups may be asked to move or leave an area where interment services are scheduled.

Warning of Injury (§ 12-11)

The monuments and headstones on the premises of the cemeteries may fall resulting in serious personal injury if moved or climbed upon. All entrants on the premises of the cemeteries do so subject to the foregoing rules and at their own risk. The City of Elberton shall not be liable to any person for injuries sustained while within any portion of the cemetery.

Due to the nature of the cemetery grounds, all visitors are responsible for their own safety. Visitors assume all risks when coming onto the property of the cemetery. The city uses its best efforts to maintain each cemetery in a safe and hazard-free manner. There are many natural outdoor conditions and conditions inherent to a cemetery over which the city has no control. The city is not responsible for any and all personal injury, including bodily injury, attributed to, but not limited to, the following conditions: natural outdoor conditions found in any open grassy area, any forest area or any area surrounding trees planted by the cemetery (e.g. exposed roots), ground conditions created by the settling of graves, general ground maintenance and the placement of personal property on graves for memorialization, the ground conditions that are created by precipitation which create a variety of conditions on cemetery grounds requiring visitors to use caution, rain which may make the ground wet and soft making it possible to sink with the possibility of sinking increased when stepping on a new grave saturated with water, ground which has been disturbed due to a recent interment or other ground work which settles creating a depression and making uneven terrain, soft ground due to a recent interment or other work performed that has disturbed the ground creating soft ground as the direct result of the cemetery carrying out its normal course of operation, stone slabs positioned flush with the ground are shiny and slick when wet and cause the possibility of slipping if stood or walked upon. Do not walk upon areas which have been barricaded as these indicate unsafe conditions in those areas.

Chapter 6: Vehicles and Traffic Regulation

Vehicles are permitted only on designated roadways. Vehicles shall not be driven through the cemetery at a speed greater than 15 miles per hour. Roadways in the municipal cemeteries are narrow, and drivers are advised that only one-way traffic is possible on most cemetery roadways. Therefore, drivers should be alert and respectful of other drivers and the flow of traffic in the cemetery. No vehicle is to be parked and left with the engine running. It is absolutely prohibited to drive or park any vehicle across or upon any grave, lot, or lawn in the cemetery. Casual visitors to the cemetery who are not members of a funeral procession or party may not intrude upon a funeral party. Any persons or vehicles in close proximity to a funeral service that are not a part of the service should leave at once. Vehicles or equipment should not operate within sight of a funeral service.

Vehicle Traffic.

Authorized vehicles must proceed slowly and quietly within the cemetery. No vehicle may pass a funeral procession going in the same direction. Vehicles are not permitted to back up or turn around on avenues or roads within the cemeteries except at the proper intersections. Vehicles should not be parked with the engine running. Parked vehicles should be locked. The city is not responsible for lost, stolen or missing property.

It is absolutely prohibited to drive any vehicle across or upon any grave, lot, lawn, or park or leave the same thereon. No vehicle is to be parked or left on a road or driveway within a cemetery in such position as to prevent another vehicle from ingress, egress or right of way. No vehicle is to be parked or come to a full stop in front of an open grave unless such vehicle's occupants are attendees of a funeral.

Under no circumstances shall a visitor's vehicle be driven over monuments or markers in the cemetery.

The operators of vehicles must immediately report to the city any damage to trees, shrubbery, turf, signs, coping, lot markers, monuments, utilities, or structures caused by the vehicle in the cemetery.

Parking.

Vehicles shall not park or come to a full stop in front of an open grave unless such vehicles are in attendance at the funeral. Vehicles shall not drive or park on grave sites or in open areas of turf. Only authorized vehicles being used for approved activities are permitted off the roadways. Vehicles must park on the shoulders of the cemetery roadways. Vehicles must not block roadways from other traffic. Engines should not be left idling while vehicles are parked except for authorized maintenance vehicles in which engine power is required for maintenance operations. No parking is permitted on any brick, grass or paved walking paths.

Funeral Processions.

All funeral processions must be accompanied by a Funeral Director with a local business license. The Funeral Director will be held responsible for all vehicles in a funeral procession. All vehicle and traffic regulations must be observed. The Funeral Director must ensure that vehicles are parked properly for a burial service. All funerals upon reaching the entrance of a cemetery owned and or operated by the owner shall be under the supervision of the owner and its employees.

Vehicle Size Restrictions.

Vehicles over 35 feet in length or over 12 feet in height shall not be permitted in the cemetery. Trailers or combination type vehicles shall not be permitted on cemetery property unless approved by the Cemetery Director

Permitted Off-Road Activities.

The following vehicles will be allowed to operate over grave sites and in open areas of turf under the direct supervision of the Cemetery Director or his designee for approved activities, with appropriate turf tires or on pads a minimum 3/4" thick, when the specified activity cannot be reasonably completed from the road shoulder:

1. tractors, riding mowers, spray vehicles, and other equipment used specifically for grounds maintenance activities;
2. trucks, brush chippers, leaf vacuums, and other equipment used for debris removal;
3. operations after severe weather incidents;
4. backhoes, trenchers, and other equipment used for utility installation or maintenance;
5. backhoes and other equipment used for grave opening and closing;
6. trucks and equipment for hauling soil from grave openings;
7. hydraulic lifts, boom trucks, loaders, and other equipment handling monuments;
8. hydraulic lift devices used for dis-interments;
9. personal wheel-chair and other specialized medical equipment to allow access to disabled persons; and
10. other equipment authorized by the Cemetery Director required for cemetery maintenance activities that cannot be reasonably completed from the road shoulders.

Any vehicle damaging property within the cemetery will be banned from the cemetery and the company operating the equipment will be held liable for any damages. No vehicle may drive over any slab, monument, or any other burial lot identification structure located within the cemetery.

The operator of a vehicle used on a turf area must restore any damage to the turf before leaving the area, including the filling of ruts and the removal of any tire tracks or other evidence of vehicles or equipment.

Restricted Off-Road Activities.

Vehicles used for the following operations are strictly prohibited from operating over grave sites or in open areas of turf, unless specifically authorized by the Cemetery Director:

1. hearses, limousines or other vehicles used in funeral processions;
2. vehicles and equipment used for transporting persons or small equipment;
3. trucks and equipment used for placing vaults, tents, chairs, and small monuments weighing 400 pounds or less;
4. trucks used for the removal of flowers, decorations, and regular debris from cemetery lots;
5. tour vehicles, recreational vehicles, busses; and
6. all other vehicles not specifically authorized by the Cemetery Director.