

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.