

CITY OF ABERDEEN PUBLIC CEMETERIES ORDINANCE

Be it ordained by the Mayor and Board of Aldermen of the City of Aberdeen, Monroe County, Mississippi, as follows, to-wit:

Section 1. Name; general provisions.

The names of the public cemeteries owned and maintained by the City of Aberdeen, Mississippi include Oak Lawn Memorial Gardens and Odd Fellows Rest Cemetery and Old Aberdeen Cemetery, hereinafter referred to as "the City cemeteries or Cemetery"; and for the mutual protection of every lot purchaser, these rules and regulations are hereby adopted for the governance of the cemetery, and all lots heretofore or hereafter sold are subject to these and such other additional rules and regulations, amendments, or alterations as may be adopted by the governing authorities of the City of Aberdeen for the governance of the cemetery. The word "City," as used hereafter, shall mean the City of Aberdeen, Mississippi, and its duly authorized representatives and officials.

Section 2. Funerals under charge of designated appointee of the City of Aberdeen; opening of casket prohibited, etc.

All funerals as far as use of the cemetery is concerned shall be under the charge of the designated appointee of the City of Aberdeen. Once a casket containing a body is within the confines of the cemetery, no funeral director, or his embalmer, assistant, employee, or agent shall be permitted to open the casket or to touch the body without the consent of the legal representatives of the deceased, or without a court order.

Section 3. Right to refuse interment; exceptions; location of interment spaces.

The City of Aberdeen reserves the right to refuse interment in any plot and to refuse to open any burial space for any purpose, except on written application by the plot owner of record made out on blanks provided by the City and duly filed in the office of the designated appointee of the City. When instructions regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or when for any reason the interment space cannot be opened where specified, the designated appointee of the City may, at her discretion, open it in such location in the lot as she deems best and proper, so as not to delay the funeral; and the City shall not be liable in damages for any error so made. The City shall not be held responsible for any order given by telephone, or for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in plot where interment is desired.

Section 4. Corrections to interments, dis-interments, or removals.

The City reserves, and shall have, the right to correct any errors that may be made by it either in making interments, dis-interments, or removals, or in the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the City, or in the sole discretion of the City, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property the City reserves, and shall have the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

Section 5. Right to re-purchase and/or refuse to re-purchase any plots or portions thereof.

The City of Aberdeen reserves the right, at the discretion of the Board of Aldermen and in the best interest of the City of Aberdeen, to re-purchase and/or refuse to re-purchase any plots or portions thereof which might be made available for re-sale by current owner at a price not to exceed the original purchase price.

Section 6. Delay in interment.

The City of Aberdeen shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or when the rules and regulations have not been followed. The City of Aberdeen shall be under no duty to recognize any protest of interment unless they be in writing and filed in the office of the designated appointee of the City.

Section 7. Payment required.

No interment shall be permitted, or memorial placed in or on any property not fully paid for except by special consent of the governing authorities of the City of Aberdeen, and in the event such consent is given, any and all interments or memorials placed in or on such property shall be considered as temporary, and a promissory note shall not be considered as payment and no right shall be acquired by the plot purchaser of said interment or interments until such property is fully paid for in cash, including principal and interest; and in case the purchaser of said property shall fail to meet any payment within 30 days after the same is demanded by the City, then the City may re-enter said property and hold the same as of its former estate. The City thereupon shall be relieved from all obligations thereunder, and it may retain such payments as may have been made toward the purchase of said property, as liquidated damages. The City reserves the right and shall have the right immediately or at any time thereafter, without notice, at its discretion, to remove to single graves to be chosen by the City, each of the remains thus interred in said property. The City, further, shall have the right to remove any memorials that may have been placed on said property.

Section 8. No more than one body per grave; exceptions.

Not more than one body, or the remains of one body, shall be interred in one grave, vault, crypt or niche, except by special consent of the City. No excavations of any kind may be made in the cemetery unless made by the City or by an authorized party with consent of the City Clerk's office.

Section 9. Burial depth requirements.

Unless other circumstances warrant an exception, the grave for any body shall be within a vault and must be at least four feet six inches minimum depth and have at least 24 inches of tamped earth from ground level at its lowest point to the top of the grave box, vault or burial chamber.

Section 10. Sale of plot for profit prohibited.

Removal by the heirs of a body or cremated remains so that the plot may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original plot owner, is repugnant to the ordinary sense of decency and is absolutely prohibited.

Section 11. Transfer or assignment of plot.

No transfer or assignment of any plot, or interest therein, shall be valid without same being made in the office of the designated appointee of the City. On each certificate of ownership, there is a blank provided for transfer, and this must be filled in and signed by the lot owner, before the City can make such transfer. Only lot owners of record are recognized by the City. For sections of the cemetery where records are incomplete or unavailable, the City Clerk's office is authorized to exercise its reasonable discretion in determining the availability of plots and the proper interment of remains.

Section 12. City employees prohibited from receiving fees or gratuity, etc.

No person while employed by the City shall receive any fee, gratuity or commission, except from the City, either directly or indirectly, under penalty of immediate dismissal.

Section 13. Responsibility for loss or damages.

The City shall take reasonable precaution to protect plot owners, and the property rights of plot owners, within the cemetery, from loss or damage; but the City distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

The City's obligation to persons who have purchased burial plots and/or burial markers in city-owned and maintained cemeteries is limited to the reasonable upkeep of the grounds, roads, fences and other landscaping but does not include any liability associated with grave markers, burial equipment, caskets, vaults or the remains of the deceased.

Section 14. Monuments and markers.

All monuments permitted in the cemetery and the markings of all graves shall be of permanent material or granite construction securely mounted on granite or other permanent stone base. To preserve uniformity, style, quality, and workmanship, the City reserves the right to inspect and approve all markers and monuments in the cemetery. The markers and monuments shall be set under direction of the City so that they are safe and permanently fastened. Any marker or monument placed in the cemetery which is not considered by the City to be of the quality and workmanship required or in every way safe or in accordance with these rules may be removed by the City without liability.

Section 15. Firearms prohibited.

No firearms shall be permitted within the cemetery except on special permit from the designated appointee for the City, or as allowed by State Law.

There shall be no shooting of firearms or fireworks within the grounds of the cemeteries and no person in the possession of firearms, other than law officers and/or military officials conducting military funerals, shall be admitted into the cemeteries.

Section 16. Signs and advertisements prohibited.

No signs or notices or advertisements of any kind shall be allowed in the cemetery, unless placed by the City.

Section 17. Dogs prohibited.

Dogs shall not be allowed on the cemetery grounds, or in any of the buildings.

Section 18. Hours of operation.

The cemetery grounds and buildings shall be open from 7:00 a.m. until sunset. No one except an employee of the City shall be allowed on the grounds after closing hours.

Section 19. Improper assemblages and boisterous and unseemly conduct; enforcement.

It is of the utmost importance that there should be strict observance of all the proprieties in the cemetery, whether embraced in these rules or not. No improprieties shall be allowed and the Chief of Police or other City official shall have the power to prevent improper assemblages and boisterous and unseemly conduct. The designated appointee of the City is hereby empowered to enforce all rules and regulations, and to exclude from the property of the cemetery any person violating same. He shall have charge of the grounds and buildings, and at all times shall have supervision and control of all persons in the cemetery, including the conduct of funerals, traffic, employees, plot owners and visitors.

Failure to comply with any of the provisions of this Ordinance shall be a misdemeanor; and any person charged with a misdemeanor violation of this Ordinance may be prosecuted in the Aberdeen Municipal Court; and any person found guilty of violating the provisions of this Ordinance shall, upon conviction, be fined not more than one thousand dollars (\$1,000.00).

Section 20. Grading, landscape work and improvements.

All grading, landscape work and improvements of any kind, and all care of plots shall be done, and all trees and shrubs and herbage of any kind shall be planted, trimmed, cut or removed, only by or under the supervision of the City.

All trees, shrubbery, or flowers in said cemeteries shall remain the property of the cemetery and cannot be removed without written consent of the officials of the cemetery, and no laborers or gardeners, except employees of said cemetery, shall be allowed or permitted within the grounds, without a special permit from the officials of said cemetery. All shrubs, trees, and flowers shall be planted under the direction and with the approval of the officials of the cemetery and no flowers, shrubs and trees shall be planted on an individual lot. No mounds on graves shall be permitted and no enclosures of graves or lots with stones or other material other than the natural sod of the remainder of the cemetery will be permitted.

Any funeral director, funeral home or mortuary in charge of any funeral in the cemeteries or any party designated by the City with the responsibility of opening and closing graves, shall leave the surface of the earth as near the condition as it was found as is possible and in no event shall any earth, grass, cuttings from shrubbery, rubbish or debris of any kind be left in the walks, driveways between lots, or on the lots of others. A tarpaulin or other suitable temporary ground cover shall be spread upon the ground for the deposit of loose soil resulting from the opening of the grave.

Section 21. Improvements or alterations; right to remove, alter, or change.

All improvements or alterations of individual property in the cemetery shall be under the direction of and subject to the consent, satisfaction and approval of the designated appointee of the City; and should they be made without his consent, he shall have the right to remove, alter, or change such improvements or alterations at the expense of the plot owner, or in any event, at any time, in his judgment they become unsightly.

Section 22. Coping, curbing or permanent borders prohibited; removal.

No gravesites or lots within the cemetery shall contain any coping, curbing or permanent borders of any material whatsoever. Any violation of this section shall result in the removal of such coping, curbing or permanent borders by the City with costs assessed to the proper persons responsible for such prohibited actions.

Section 23. Minors to be accompanied.

Children under 15 years of age shall not be permitted in the cemetery, or its buildings, unless accompanied by proper persons to take care of them.

Section 24. Gathering flowers, disturbing wildlife; etc., prohibited.

All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery or plants, or feeding or disturbing the birds, or fish, or other animal life.

Section 25. Intoxicating beverages, etc. prohibited.

No person shall be permitted to have refreshments within the cemetery grounds, and the bringing of intoxicating beverages into the grounds is strictly forbidden.

Section 26. Loitering prohibited.

Loitering shall not be permitted on or around any of the grounds or graves.

Section 27. Rubbish.

The throwing of rubbish on the drives, paths, or any part of the grounds, or in the buildings, is prohibited. Receptacles for waste materials are located at convenient places.

Section 28. Operation of vehicles within the cemetery; heavy trucks and bicycles prohibited.

It shall be unlawful for any vehicle to travel through any part of the cemetery other than on paved roadways therein unless authorized by person or persons designated by the City. Automobiles traveling on the paved roadways shall travel at a speed no greater than 15 miles per hour, and must always be kept on the right-hand side of the cemetery roadway. Automobiles are not allowed to park or to come to a full stop in front of an open grave unless such automobiles are in the attendance of the funeral. Vehicles must not be turned around in the avenues. Funeral Directors will be held responsible for the action of all vehicle drivers or others employed by them while within the grounds of the cemetery. Heavy trucks or vehicles with heavy loads shall not enter the grounds without first procuring the permission of the designated appointee of the City. No bicycles or motorcycles shall be admitted to the cemetery except such as may be in attendance at funerals or on business.

Section 29. Peddling of flowers or plants, etc. prohibited.

Peddling of flowers or plants, or soliciting the sale of any commodity, is positively prohibited within the cemetery.

Section 30. Trespassing.

Persons within the cemetery grounds shall use only the avenues, walks, alleys, or roads and any person injured while walking on the grass, except that be the only way to reach his plot, or while on any portion of the cemetery other than the avenues, alleys, walks or roads, shall in no way hold the City liable for any injuries sustained. Only the plot owner and his relatives shall be permitted on the cemetery plot. Any other person thereon shall be considered a trespasser and the city shall owe no duty to the trespasser to keep the property, or the memorial thereon, in a reasonably safe condition.

Section 31. Noise within hearing distance of funeral service.

No loud talking shall be permitted on the cemetery grounds within hearing distance of a funeral service.

Section 32. Decoration of plots.

Flower containers are to be permanently placed on the headstone and there shall be no free-standing containers. Flowers placed on gravesite within the cemetery that are not permanently placed on the headstone as noted above, shall be removed therefrom within five calendar days after the date of the burial service for which they were placed with the following exceptions, to-wit:

- (a) Christmas wreaths placed on graves may be permitted to remain until January 15, following after which time the City reserves to the right to have same removed.
- (b) Potted plants such as Easter lilies, azaleas, tulips, etc., will be allowed only at Easter, Mother's Day, Memorial Day and Father's Day. These will be allowed to remain for one week or until in the judgment of the designated appointee of the City, they have become unsightly. Families desiring to save same should remove them within that time as those remaining longer will be removed and destroyed by the City.

Section 33. Placement of boxes, shells, toys, etc. prohibited; removal.

The placing of boxes, cans, shells, toys, metal designs, ornaments, signs, cards, concrete urns, concrete benches, pictures, artificial flowers, and similar articles, or any article other than the approved monument or marker upon plots is discouraged, and if so placed, the City reserves the right to remove same without notice to the lot owner. No gravel, brick, stone, cement or other kind of artificial walks will be permitted on any lot.

Section 34. Grave mounds prohibited.

The City authorities shall have full right to fill and level graves and plant grass thereon. No grave mound whatsoever shall be permitted. All graves shall be filled, tamped and finished to the same level as the surrounding ground, and be covered completely with sod. This regulation must be enforced in order to preserve the beautiful, park-like appearance of the lawns as a whole, and to assure the perpetual maintenance of the property.

Section 35. Tents for services; removal.

Tents or other coverings used in connection with funerals or burials shall be removed from the cemetery within 48 hours after the burial service is complete.

Section 36. Lot prices.

Upon the effective date of this Ordinance, lot prices shall be as follows, to-wit:

For purchase by a citizen of the City of Aberdeen \$500.00

For purchase by a citizen of Monroe County \$500.00

For purchase by someone who is a non-resident of City of Aberdeen or Monroe County \$1,000.00

Section 37. Effective Date.

This Ordinance shall become effective one month after its passage.

The above and foregoing Ordinance having first been reduced to writing was read and considered section by section, and said Ordinance was put to a vote upon its final passage as a whole, and the same was passed as read, with the following vote, to-wit:

Aldermen voting "YEA":

Aldermen voting "NAY":

Aldermen absent or not voting:

____ THEREUPON, the Mayor declared said Ordinance approved, passed, and adopted this day of January, 2023.

Charles Scott, Mayor

ATTEST: _____
Melissa Moore, City Clerk