

CHAPTER 115

CEMETERY

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115.01 PURPOSE. For the purpose of regulating the City cemetery, for the care and supervising of the same, a department of the City government shall be known as the Cemetery Department.

115.02 DEFINITION. The term “cemetery” means the Violet Hill Cemetery.

115.03 RULES. The following rules and regulations for the sale of lots and care and maintenance of the cemetery are hereby adopted and established:

1. Sale of Lots. Lots shall be sold by the City Clerk or Deputy Clerk at the established price set by the Council. No lot shall be used for any purpose until purchase price is paid in cash.
2. Deeds Recorded. Every cemetery deed shall be recorded by the Clerk in a book kept for that purpose in the Clerk’s office.
3. Plat. The Clerk shall have in the Clerk’s office a plat of the cemetery, each lot being described and the purchase price named thereon.
4. Lots Sold. Upon issuance of a deed to a cemetery lot, the Clerk shall mark upon the plat on the proper lot “Sold to (naming the purchaser, and giving the date).” At the issuance of the deed the Clerk shall retain the purchaser’s contract of sale marked, “Deed issued, (giving date).”
5. Sale Void. The contracts of sale shall recite that they will be void after ten (10) days, and if at the expiration of this time no deed has been issued, the Clerk may sell the lot to another purchaser.
6. Burial Information Form. A burial information form must be filled out and presented to the Clerk the same day as burial.
7. Plantings and Grading. In order to protect the rights of all and secure the best general results, the Council requires that all grading,

planting of trees, shrubbery, flowers and other like permanent improvements be done only in accordance with the direction of the Clerk.

8. Decorations. From March 15 to November 15, decorations must be contained in a vase, on the stone or on an ornamental lawn hook. Ornamental lawn hooks may be a maximum of four (4) feet tall and ornaments on the hook must be at least eighteen (18) inches off the ground. Exceptions: Decorations are allowed ten (10) days before and shall be removed seven (7) days following Memorial Day; decorations are allowed five (5) days before and shall be removed five (5) days following Mothers Day and Fathers Day. Decorations placed on graves after November 15 may remain at least until March 1. Depending on weather conditions, decorations placed after November 15 will be removed during or after the time period from March 1 through March 15. Whenever reasonably possible, the City will provide a public service announcement at least forty-eight (48) hours prior to removing decorations. The announcement will be provided to the radio station, the local TV station and the local newspaper. There is no restriction on organization emblems currently placed beside the headstones of deceased members for the Odd Fellow, Rebekahs, the American Legion or the Perry Fire Department. Flags placed on the emblems will be allowed consistent with Memorial Day regulations stated above.

9. Work To Be Approved. Lot owners may have planting or other work done on their lots at their expense on application to the Clerk. No workers other than employees of the cemetery shall be admitted to the cemetery except with the consent of the Cemetery Supervisor.

10. Fences. No coping or fence or any kind of enclosure shall be permitted.

11. Interment Limited. All interments in lots shall be restricted to the family of the lot owner except by consent of lot owner.

12. Disinterment. No disinterment shall be allowed without the permission of the lot owner or legal representative and certificate as by law provided.

13. Burial Request. Prior to scheduled burial services, requests may be made no less than twenty-four (24) hours in advance.

14. Sunday Interment Prohibited. No bodies shall be interred in the cemetery on any Sunday.

15. Foundations. As a guarantee of good work, and as a protection to all lot holders, and for the general welfare of the cemetery, the Cemetery

Department reserves the right to regulate all work done in the cemetery, under the following conditions:

- A. All work on foundations or memorial work shall be done within the working hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, except holidays. All work must be done only with the Clerk's knowledge. All work must be approved by the Clerk. All unsatisfactory work will be required to be replaced.
 - B. The lot holder's order, on a blank furnished by the Cemetery Department, authorizing the work to be done, must be deposited with the Clerk and full payment for said work ordered done made to the Clerk before excavation is commenced. Said payment shall be made at the rate of fifty-five cents (\$.55) per cubic foot.
 - C. Foundations for all monumental and super-structural work must comply with all specifications on file in the Clerk's office. Variances may be made by the Clerk.
 - D. The bottom base of all monumental work must be squared sufficiently to allow it to rest on the foundation in its proper position, as no wedging or underpinning will be allowed.
 - E. Orders for memorial work of any kind will not be honored on lots not paid for.
 - F. No person shall erect, have erected, or attempt to erect or build any foundation or base for monumental or super-structural work in the cemetery, except as provided herein.
 - G. Pre-cast tops on all foundations are required with a minimum of 4-inch flange on all four (4) sides of the monument.
16. Vaults. No vaults shall be permitted to be built unless the designs for the same are exceptionally good, and the construction is solid and thorough, and the designs are submitted to and approved by the Cemetery Committee.
17. Material Storage. Material for stone or marble work will not be allowed to remain in the cemetery longer than shall be strictly necessary and all unused material must be removed as soon as the work is completed. In case of neglect, such removal shall be made by the City and at the expense of the lot owner and contractor. No material of any kind shall be received at the cemetery on Saturdays, Sundays or holidays.
18. Roads and Walks. It is the duty and right of the Cemetery Department from time to time to lay out and alter roads, driveways,

walks and alleys, and to make such rules and regulations as they may deem proper.

19. Enclosures. Stone or other enclosures around graves are prohibited and the mounds over graves shall be regulated by the Cemetery Department. No above ground vaults or mausoleums shall be built or erected.

20. Use of Vehicles. No person shall operate an automobile or other motor vehicle faster than ten (10) miles per hour within the limits of the cemetery. Driving on the grass walks and alleys is prohibited.

21. Children. Children are not allowed in the cemetery except when accompanied by an adult. Their admittance otherwise shall be at the discretion of the Cemetery Supervisor.

22. Pets. All persons are prohibited from bringing pets to the cemetery.

23. Enforcement. The Cemetery Supervisor is directed to enforce these rules and regulations and exclude from the cemetery any persons violating the same, and report the names of all persons violating the rules and regulations to the Police Department.

24. Uniform Grade. No curbing or raising of roads or graves shall be permitted except under such uniform specifications as are adopted and approved by the Council. All monuments, grave stones and grave markers shall be on uniform lines; no corner posts shall extend above the ground more than one-half inch.

25. Cemetery Hours. All persons are prohibited from entering the cemetery after the hours of nine o'clock (9:00) p.m. and before daylight except when engaged in the burial of bodies or attending funerals.

26. Additional Rules. The Council may from time to time adopt additional rules and regulations for the operation of the cemetery by resolution. Any such additional rules and regulations so adopted shall be posted in a conspicuous place at the cemetery or City Hall and shall be in full force and effect thereafter.

115.04 SALE OF LOTS. The sale of any lot or fraction thereof shall be for the value thereof as now or hereafter fixed by the Council plus an amount necessary to the perpetual upkeep or maintenance thereof. Upon the receipt of any money for the sale of any such lot, the money received shall be divided so that the cost of the lots sold shall be placed in the General Cemetery Fund and the amount received for perpetual upkeep shall be placed in the Perpetual Care Fund.

115.05 ANNUAL CHARGE ON LOTS PREVIOUSLY SOLD FOR WHICH PERPETUAL CARE HAS NOT BEEN PROVIDED. As to any lots or portions thereof heretofore sold and the perpetual care thereof has not been paid, an annual charge shall be made in an amount as prescribed from time to time by the Council, which annual charge shall be deposited in the General Cemetery Fund.

115.06 PERPETUAL CARE MAY BE PROVIDED ON LOTS PREVIOUSLY SOLD. The owner or owners of any lots heretofore sold may deposit with the City such an amount that may from time to time be prescribed by the Council for the perpetual care of said lots, which moneys when so deposited shall be placed in the Perpetual Care Fund.

115.07 PAYMENT FOR OPERATING EXPENSES. From the General Cemetery Fund there shall be paid the cost and expense of the general maintenance and operation of the cemetery.

115.08 INVESTMENT OF PERPETUAL CARE FUND. The Perpetual Care Fund shall be invested in accordance with the statutes of the State, and the income from any investment made shall be deposited as received in the General Cemetery Fund.

115.09 PENALTIES FOR FAILURE TO PAY ANNUAL CHARGE. A failure of the owner of any lot or fraction thereof to pay the annual charge of any property heretofore conveyed by deed shall subject the owner or owners to such penalties as are now in force or otherwise as may be prescribed by the Council from time to time.

115.10 EXECUTION OF DEEDS OF CONVEYANCE. Deeds of conveyance to cemetery lots shall be executed by the Clerk in the name of and accounting by and to the authority of the City. All deeds shall convey only a right of interment and shall be subject to the provisions of this chapter and all lawful regulations hereafter adopted.

115.11 TRANSFERS OR ASSIGNMENTS. No transfer or assignment of any plot, lot or grave, or any interest therein, shall be valid until such assignment or transfer shall have been recorded upon the books of the cemetery in the office of the Clerk.

115.12 RECORDS TO BE KEPT BY CLERK. The Clerk shall keep a permanent record showing the ownership of each and every lot sold, and a record showing the lots upon which a perpetual upkeep has been made, and showing the record of payments for annual upkeep as herein provided.