

ORDINANCE NO. OR16-390

**AN ORDINANCE AMENDING THE STOCKBRIDGE MUNICIPAL CODE WITH RESPECT TO MUNICIPAL CEMETERIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WITNESSETH:**

THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

**SECTION 1.** That Chapter 5.16 of the Stockbridge Municipal Code is hereby amended by deleting the entire Chapter and inserting Exhibit A in lieu thereof.

**SECTION 2. Adoption of Cemetery Ordinance.** The Mayor and Council hereby approve and adopt the ordinance attached hereto as Exhibit A and agree to be bound by its terms.

**SECTION 3. Intention of the Governing Body.** It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Stockbridge, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

**SECTION 4. Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

**SECTION 5. Attestation.** The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

**SECTION 6. Codification and Severability.**

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent

allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

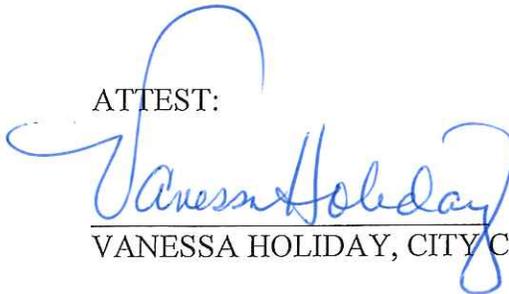
**SECTION 7. Repeal of Conflicting Provisions.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 8. Effective Date.** This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Stockbridge as provided in the City Charter.

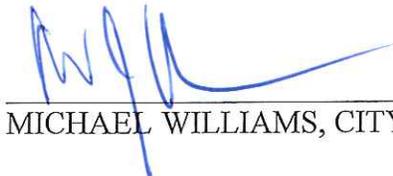
SO ORDAINED this 29th day of March, 2016.

  
ANTHONY S. FORD, MAYOR PRO TEM

ATTEST:

 (SEAL)  
VANESSA HOLIDAY, CITY CLERK

APPROVED AS TO FORM:

  
MICHAEL WILLIAMS, CITY ATTORNEY

Date Presented to Mayor: 3/31/2014

Date Received from Mayor: 3/31/2016



## EXHIBIT A

### Chapter 5.16 – CEMETERIES

#### **Sec. 5.16.010 - Interment requirements.**

All interments in the city shall be in organized, established cemeteries as provided for in this chapter. Anyone violating the provision shall upon conviction be punished as provided for in Section 1.04.080 of the Stockbridge Municipal Code.

#### **Sec. 5.16.020 - Responsibility for cemeteries.**

The responsibility for the operation, maintenance, and general supervision of all municipal cemeteries shall be vested in the department of public works whose department head shall have the following duties:

- (1) To look after and take proper care of all municipal cemeteries and see that no lot in any of said cemeteries is used or occupied in violation of this chapter or of any rule or regulation promulgated by the mayor and council;
- (2) To monitor the digging of interment places and to the proper entering of deceased persons.

#### **Sec. 5.16.030 - Management of cemeteries.**

The responsibility for the management of all municipal cemeteries shall be by the city clerk who shall keep full and detailed accounts of the expenditures and receipts issued or collected upon all municipal cemeteries.

#### **Sec. 5.16.040 - Lots.**

(1) The city clerk record shall keep a record of all lots and an official map or plan of each cemetery, which maps shall be kept on file, open to public inspection, in the office of the city clerk.

(2) *Records of ownership.* The city clerk 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 hereafter be used, and of the date of burial of each.

(3) *Sale or transfer by owner.* Owner of lots shall not be permitted to sell or transfer lots without the written consent and approval of the mayor and council.

**Sec. 5.16.050 - Rules for interment.**

(a) It shall be the responsibility of the funeral director to provide proof that the deceased is entitled to burial in any lot. No deceased person shall be interred in any municipal cemetery until the city clerk has found:

(i) That the person arranging for such burial has the right to the use of such lot;

(ii) That such lot is not used beyond its capacity; and

(iii) That proper record is made of the name and age of the deceased person and of the exact location of the grave.

(b) The city clerk and public works director shall be authorized to impose an administrative fee to cover the cost of processing all applications for burials in municipal cemeteries and monitoring compliance with the regulations contained herein.

**Sec. 5.16.060 - Restrictions on use.**

(a) *Enclosures.* No curbing, fencing or enclosure of any sort shall be erected on, in or around any burial lot in the cemetery without the approval of the city council, but the city reserves the right to erect curbing along the walks and driveways, if it so desires.

(b) *Plantings.* 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 by the director of public works. Nothing herein contained shall be construed to prohibit the decoration or adornment of any gravesite with potted or cut flowers or plants.

(c) *Stones and monuments.* Owners of cemetery lot easements shall have the right to erect proper stones or monuments marking the burial site, except that no slab shall be set other than in a horizontal position and flush with the ground.

(1) Headstones shall not exceed two feet in height above the ground and 18 inches in width and shall be set in a solid concrete foundation.

(2) Monuments of cut stone or marble shall not exceed ten feet in height and the erection of same must be authorized and supervised by the head of the department of streets and sanitation.

**Sec. 5.16.070 - Cemetery regulations.**

(a) *Trees and shrubs.* No tree or shrub shall be planted, removed, cut down or destroyed within the borders of any burial lot, walks or lawn spaces, without the approval of the director of public works.

(b) *Injury to monuments.* It shall be unlawful for any person to remove, deface or in any manner injure any monument, enclosure, or ornament thereof within any municipal cemetery.

(c) *Discharging firearms.* It shall be unlawful for any person to shoot any gun, pistol or other firearm within any municipal cemetery except at a military funeral.

(d) *Depositing offensive matter.* It shall be unlawful for any person to deposit on any part of any cemetery or any land adjoining it any dead carcass, garbage, or offensive matter whatever.

(e) *Disorderly conduct.* It shall be unlawful for any person to conduct himself in a boisterous or disorderly manner within the perimeter of any municipal cemetery.

(f) *Advertisements.* It shall be unlawful for any person to post any advertisement or sign, or to solicit any work in a municipal cemetery.

(g) *Unauthorized interments.* It shall be unlawful for any person to inter any dead body in any part of a municipal cemetery without the express authorization of the mayor and council.

(h) *Disinterment.* Disinterments shall be made only when authorized by the mayor and council and the county board of health.

(i) *Hours of admittance.* No one shall be permitted in any municipal cemetery between the hours of 9:00pm and 7:00am.

(j) *Alcohol.* No alcoholic beverages of any kind are permitted within municipal cemeteries except in connection with a recognized religious rite.

(k) *Unattended Children.* Children under the age of 13 are not permitted within any municipal cemetery without an accompanying adult.

**Sec. 5.16.080 - Authority of the city to regulate.**

The mayor and council of the city reserve, to themselves and their successors in office, the right to alter, amend, modify or add to the rules, regulations, conditions and restrictions herein set forth at any time it is deemed advisable so to do in order to carry out the purposes of this chapter.

**Sec. 5.16.090 - Liability of the city.**

There shall be no liability whatsoever, either tort or contractual, on the part of the city, or its officials or officers, or their successors in office, or its agents or employees, to any purchasers of any lots in the cemetery, or to any person holding under them, or to the family or relatives of any person buried in the cemetery or to any person or the family of such person, who has erected any monument or marker therein, by reason of any act or acts, thing or things, omission, negligence or otherwise relating to the cemetery.

**Sec. 5.16.100. - Nonmunicipal cemeteries.**

In any district permitting nonmunicipally owned cemeteries, the following requirements shall apply:

- (1) The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition such site shall have direct access to a thoroughfare.
- (2) Any new cemetery shall be located on a site containing not less than two acres.
- (3) All structures shall be set back no less than 15 feet from any property line or street right-of-way line.
- (4) All graves or burial lots shall be set back not less than 20 feet from any property line or minor street right of way lines, and not less than 50 feet from any collector, arterial, expressway, or freeway right of way line.
- (5) The entire cemetery property shall be landscaped and maintained.