

Chapter 30 - CEMETERIES^[1]

Footnotes:

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Editor's note— An ordinance adopted Jan. 23, 2012, amended ch. 30 in its entirety to read as herein set out. Former ch. 30, §§ 30-1—30-4, pertained to similar subject matter, and derived from: Ord. of May 22, 1995(2), §§ 1, 2; Ord. of Jan. 12, 2004, §§ 1, 2; Ord. of Nov. 13, 2006, § 1; Ord. of Apr. 14, 2008(1), §§ 1, 2; and Ord. of Oct. 11, 2010, § 1.

Cross reference— See Art. IV of the Charter, Part II Related Laws for "Oak Grove Cemetery Authority" provisions enacted by H.B. 1188/Res. No. 2012-R002.

State Law reference— Criminal trespass and damage to property, O.C.G.A. § 16-7-20 et seq.; permit for disturbing burial place in land development, O.C.G.A. § 36-60-6; preservation and protection of abandoned or unmaintained cemeteries, O.C.G.A. § 36-60-6.1.

Sec. 30-1. - Purpose.

The purpose for which the cemetery was created and is maintained is to provide a place dedicated and set apart for the burial of the dead and consecrated to a public and sacred use.

(Ord. of 1-23-12)

Sec. 30-2. - Ownership of lots.

Ownership of the underlying land of the cemetery and any occupied or unoccupied lots rests solely with the city. Purchasers of lots within the cemetery are purchasing a license for the perpetual use of the lot for burial interment only.

- (1) Lots in the original section of Oak Grove Cemetery, first known as the St. Marys City Cemetery or the Old Burying Ground, laid out by the city founders in 1788, are no longer subject to purchase from the city. They may be purchased from present lot owners if the lot owner can provide a recorded deed showing his legitimate ownership. It is the responsibility of the new owner to report the transfer of ownership to the city, pay a transfer fee in the amount as set by council and required by the city, and to have the new deed recorded at the courthouse at the owner's expense within one year of purchase. Unrecorded deeds will not create any responsibility on the part of the city to honor said unrecorded deed. Those with deeds to lots in the old section will be allowed to use them subject to the regulations in this article as long as they have a written and recorded deed. Should the plot have been in the possession of owners who have held possession for over 50 years and no deed is available, it is up to the family of the deceased to prove their relation to the family buried in that plot and to prove that the current family members, if any still living, approve the burial in the family plot, and that the lot is empty of a vault/casket, no matter its condition, or evidence of a previous burial. During the excavation by the funeral director, should the plot be shown to have been used previously for a burial, work will cease immediately, and the party handling the family's arrangements will be required to choose another plot in the new section of the cemetery. The new section is the portion of the cemetery located west of the main entrance road into the cemetery.
- (2) Lots in the new section, west of the main entrance road into the cemetery, which have never been purchased or are proved to be empty with no recorded owner are available for sale.

All regulations in the previous two paragraphs in regard to reporting and recording deeds and deed transfers and transfer fees apply.

(Ord. of 1-23-12)

Sec. 30-3. - Definitions.

The following words shall be defined as indicated. Where a word is not defined, the New American Dictionary, latest edition, shall be the source of the definition:

Cemetery: Any cemetery within the legal jurisdiction of the City of St. Marys. This definition shall not include private cemeteries or mausoleums.

City: Shall refer to the City of St. Marys.

City council: Shall refer to the elected body of the City of St. Marys and shall include all rights and privileges afforded to the city council by city Charter and applicable state and federal law.

Columbarium: A portion of a cemetery specifically intended for the placement of urns containing cremated remains. This shall include any structure, wall or other facility of its type within any cemetery.

Coping: Any material that outlines the perimeter of the grave site(s). Coping shall be defined, but not limited to, concrete or cut stone blocks, brick, decorative rocks, mulch, mini-nuggets, or other similar materials. Centipede grass is acceptable.

Equipment: Shall refer to city-owned maintenance equipment as well as equipment owned by funeral directors, monument companies, florists or contractors providing a service to the city on cemetery property.

Family: Shall refer to any known and identifiable relative of the individual interred in any lot that is responsible for the upkeep and maintenance of any grave site or lot within the cemetery.

Fencing: Any brick, concrete, wood, iron, plastic, aluminum or wire materials designed and intended for the enclosure of any plot(s), from one inch above the finish grade to any height. Existing fencing in historic plots is permitted to remain as long as fencing is well maintained.

Oak Grove Cemetery authority ("cemetery authority"): The instrumentality of the State of Georgia created by Georgia House Bill 1188 (April 11, 2012) to oversee the care and preservation of Oak Grove Cemetery, to establish a trust fund for such purpose, and to raise funds and accept donations for that trust fund.

Scattering field: A portion of a cemetery specifically intended for the scattering of cremated remains.

Utilities: Shall refer to water, sewer, electric or gas lines and security systems.

Vehicle: Shall refer to automobiles, golf carts, trucks, riding lawnmowers, lifting equipment, tree removal equipment, tractors, bicycles, motor-driven scooters, recreational or all-terrain vehicles or any motorized or non-motorized, two-wheeled and above machines.

(Ord. of 1-23-12; Ord. No. [2017-3-6-001](#), 3-6-17)

Sec. 30-4. - Status of cemeteries.

- (a) The only publicly owned cemetery within the city available for interment is Oak Grove Cemetery.
- (b) All other publicly owned cemeteries located within the city limits are closed to any burial and related work.

(Ord. of 1-23-12)

Sec. 30-5. - Administration structure of the cemetery.

- (a) The administration of all publicly owned cemeteries shall be under the administrative jurisdiction of the finance director or his or her designated staff.
- (b) The director, assigned staff, working with public works and the cemetery authority, shall be responsible for the following major work areas:
 - (1) Recording sales of lots;
 - (2) Creating and maintaining drawings showing location of lots;
 - (3) Recording payments for the lots;
 - (4) Preparing a deed for any sold lot with the lot purchaser being responsible for the recording of the deed at the Camden County Courthouse;
 - (5) Maintaining a membership in a cemetery association dedicated to the furtherance of cemetery use, maintenance and history;
 - (6) Providing full-time cemetery maintenance within the limits of the city budget to be accomplished between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday (weekend and/or evening work will be considered overtime).
- (c) The cemetery authority shall be responsible for the following major work areas:
 - (1) Meeting with citizens requesting to purchase lots;
 - (2) Arranging for the sale of lots;
 - (3) Locating any lot in the field for the purpose of interment with a fee as determined by council;
 - (4) Locating any gravestone location for the purpose of installation of a stone with a fee as determined by council;
 - (5) Overseeing maintenance of the cemetery grounds.

(Ord. of 1-23-12; Ord. No. [2017-3-6-001](#), 3-6-17; Ord. No. [2018-12-17-005](#), 12-17-18)

Sec. 30-6. - Hours of operation.

The Oak Grove Cemetery shall be open to the public on a daily basis from the hours of sunrise until sunset. It shall be unlawful for any person, other than city personnel or cemetery authority members conducting or performing city business therein, to be present in the cemetery at any time when the cemetery is not open to the public.

(Ord. of 1-23-12; Ord. No. [2017-3-6-001](#), 3-6-17)

Sec. 30-7. - Special events.

Special events are allowed only during the cemetery's operation hours. No special event shall be conducted within the cemetery walls without the prior approval by city council. This approval will only be given during a regularly scheduled city council meeting after staff review of the proposed event. Application for use of the cemetery for special events shall be made to the community development director at least 30 days in advance of the event outlining the nature of the event, the duration of the event, and any special needs for the event that will require special services from city staff. A fee for use of the cemetery shall be assessed at the rate the city charges for other facilities, plus any city services required for the special event shall be paid for by the event sponsor at a rate of 1.1 times the actual cost of the services. There shall be no special event authorized that negatively affects the decorum or sanctity of the cemetery or the families of those buried within the cemetery. There shall be no temporary or permanent-type facilities constructed or provided as part of the special event, and no vehicles of any type in any cemetery area except on the main drive through the cemetery. Special events shall be limited to a

maximum of 30 persons due to the fragile nature of the monuments and grounds. All prohibited and unlawful activities as defined in section 30-8, shall be enforced for any special event. Funeral services for recently deceased citizens are not considered special events under this section.

(Ord. of 1-23-12; Ord. No. [2017-3-6-001](#), 3-6-17)

Sec. 30-8. - Prohibited and unlawful activities.

It shall be unlawful for any person, group, organization, or corporation using the Oak Grove Cemetery or adjacent grounds to either perform or permit to be performed any of the following acts:

- (1) Willfully mark, deface, disfigure, disturb, injure, lean on, sit on, or tamper with any:
 - a. Building;
 - b. Bench;
 - c. Water line;
 - d. 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 walls;
 - l. Fixed statuary;
 - m. Ground elevation;
 - n. American and/or Confederate flags, honorary markers and their metallic holders;
 - o. Cemetery equipment of any type;
 - p. Trees and shrubs whether planted by the city or by prior 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 tree board and HPC review and approval; or
 - r. Facilities or property or appurtenances whatsoever, either real or personal.
- (2) Disturb the peace and dignity of the cemetery grounds or use or display any profane, obscene, blasphemous, or inflammatory language or symbols which are or may be reasonably construed to be inconsistent with or disruptive of the purpose for which the cemetery was created and is maintained, to wit: a place dedicated and set apart for the burial of the dead and consecrated to a public and sacred use.
- (3) Carry, possess or consume any alcoholic beverage or illegal drug.
- (4) Interfere with the rights of family members of deceased persons interred in the cemetery.
- (5) Organize or conduct any church or religious observance, assembly, service, or congregational activity inside the cemetery boundaries unless such church or religious observance involves a burial, interment, re-interment, or memorial service conducted at the express request, direction, and authorization of the family or legal representative of the deceased person.

- (6) Conduct assemblies or other gatherings organized by local civic organizations, churches or tourism organizations, except as approved by city council as special events as noted under section 30-7, inside cemetery walls. Such assemblies shall be held only outside the walls of the cemetery in order to respect the peace and dignity of those buried within and of their families.
- (7) Drive any private vehicle or golf cart outside of the marked limits of the access road to the cemetery. Cemetery maintenance and funeral home equipment are exempt from this clause to the extent that no damage is made to the grounds and features of the cemetery.
- (8) Leave behind any item not related to the honoring of the dead, including, but not limited to, hoses, rakes, bins, trash, refuse, leaf and stick piles, stones, or other debris.
- (9) Permit dogs or any other type of pet or domesticated animal within the boundaries of the cemetery. Dogs and other pets or domesticated animals are not permitted at any time, even if they are restrained on a leash. Service dogs are permitted when under the full control of the citizen that requires the use of same. Dogs, and/or any other type of pet or domesticated animal, are permitted when fully confined within the owner's vehicle.
- (10) Pressure washing or scrubbing with cleaning utensils such as wire brushes or other abrasive utensils, cleaning stones with bleach, soap, or any other harsh chemicals.
- (11) Rubbing of stone inscriptions with chalk or other substances. Such rubbings are prohibited due to damages caused by these substances except in the instance of contractors needing to replicate the size and fonts for match on existing or new monuments.

(Ord. of 1-23-12; Ord. No. [2017-3-6-001](#), 3-6-17)

Sec. 30-9. - Oak Grove Cemetery rules and regulations.

The following shall constitute the rules and regulations of the Oak Grove Cemetery:

- (1) The size of each burial lot is normally five feet by ten feet, although there are varying sized lots that may be slightly smaller or larger. Infant or child-sized lots and lots for cremations are smaller. Columbarium niches for urns containing ashes or a cemetery section devoted to the scattering of ashes are to be in specific locations as determined by city council. The price of lots, niches, or for scattering shall be set by the city council. A filing fee for the deed shall be added to the cost of the burial lot and each deed shall be recorded by the purchaser of the burial lot.
- (2) No burial will be placed on top of another burial for any reason.
- (3) No person shall dig any grave or bury, attempt to bury, exhume or remove any corpse in the city's cemetery without notice to and permission of the cemetery authority. All fees shall be paid prior to interment.
- (4) No grave shall be opened for the purpose of interments or dis-interments in the city's cemetery except by licensed funeral directors or contractors working for funeral directors.
- (5) The cemetery authority shall mark all burial lots prior to burials and all corner markers, headstones, and monuments prior to being set. A fee for this service shall be set by the city council.
- (6) Burial lot corner markers are permitted; however, such markers shall not extend more than one inch above ground level.
- (7) Any monument, gravestone, or slab erected within the city cemetery must have a firm foundation of brick, stone, mortar, and/or concrete, or reinforcing sufficient to prevent the same from failing, sinking, leaning or collapsing.
- (8) Burial vaults are required for each interment and shall be below ground level. Slabs to cover graves are permitted and must be at ground level.

- (9) The planting of trees and shrubbery is prohibited without the written approval of the cemetery authority. Grass is the only permitted foliage that may be planted within the cemetery. Grass may only be planted on the lot owner's parcel. Mowing of grass on any parcel shall be the responsibility of the cemetery landscaping staff.
- (10) Coping or fencing by non-authorized personnel is prohibited, except that traditional stone coping is permitted when installed with the top set at one inch above the level of the surrounding ground.
- (11) No one may enter the cemetery between sunset and sunrise except city or cemetery authority personnel, or emergency personnel.
- (12) No one may injure or deface any trees, flowers, shrubbery, graves, tombstones, monuments, seats, buildings or structures of any kind in the cemetery. Carving on or nailing items into trees is specifically prohibited as is puncturing of tree bark for any reason.
- (13) No one may commit a nuisance or deposit trash or refuse matter in the cemetery.
- (14) Unless the cemetery authority establishes perpetual care for individual lots, each family using the cemetery is required to keep their burial lots clean and free of all faded artificial flowers, broken pots, dead flowers, toys, or other debris.
- (15) No vaults or other materials may be stored outside the cemetery walls or within the city cemetery area.
- (16) The community planning director, designated staff or cemetery authority must be contacted for disposal of any excess dirt.
- (17) Any firm conducting business within the city cemetery is responsible for maintaining the cleanliness of the area in which they work and reporting any damage caused to the cemetery authority representative or community development director's office.
- (18) Canopies shall be removed within seven days of the burial date and shall not be erected more than two days prior to the burial date.
- (19) Donations will be accepted and used by the Oak Grove Cemetery authority for the benefit of the cemetery.
- (20) Each grave will be marked with a permanent marker. Acceptable markers are a concrete slab, headstone, or minimum 12-inch by 24-inch head or foot stone marker with name and dates.
- (21) Public restrooms are not available within the cemetery.
- (22) The maximum allowable size for any tractor digging, closing or preparing burial sites within the Oak Grove Cemetery shall be 140 inches in length, 65 inches in width and a maximum wheelbase of 75 inches. Only the minimum size boom or crane truck will be permitted to install burial vaults, head stones or slabs. 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 Oak Grove Cemetery.
- (23) Water hose used for cleaning or irrigation must be supplied by lot owner and each hose must be removed from the cemetery as owner departs the cemetery. Failure to remove a hose will result in the city removing and disposing of the water hose. The plot owner will not be reimbursed for any disposed of item.
- (24) Any garden tools or other items needed to maintain a lot must be supplied by lot owner and removed from the cemetery as owner departs the cemetery. Any tools left will be removed and disposed of by the city. The plot owner will not be reimbursed for any disposed of item.
- (25) No lights may be installed within the cemetery except those installed by the city.
- (26) Any plant, decoration or other object not located on a slab, monument or within legal lot lines will be removed and disposed of by the city or the cemetery authority. Items used during a

funeral service must be removed or located totally within the owners legal lot lines, seven days following the funeral service. The plot owner will not be reimbursed for any disposed of item.

- (27) Benches must be placed within a lot owner's legal lot lines.
- (28) Any dilapidated bench, pot or other decoration will be removed immediately either by cemetery staff or by the plot owner and relocated by plot name to the cemetery maintenance structure. If after 30 days the plot owner does not replace or claim the item(s), the city will dispose of the item(s). The plot owner will not be reimbursed for any disposed of item.
- (29) Lot owners are not permitted to plant trees on their lots without permission of the cemetery authority.
- (30) No one is permitted to install rock mulch or other permanent mulch on any lot in Oak Grove Cemetery to prevent damage from stones thrown from cemetery equipment onto adjacent gravestones and to prevent injury to bystanders.
- (31) Containers, which do not provide proper drainage, are not permitted. Glass containers, glass ornaments or glass decoration of any type is not permitted.
- (32) Any exception to the above regulations must be approved by the cemetery authority. Before making an exception, the cemetery authority must determine that all the following conditions are met: (a) the exception is necessary for the use of a cemetery lot in the same as other cemetery lots; (b) the exception would not materially be detrimental to the purposes of this chapter, or to other lots or property in the cemetery or adjacent property, or otherwise conflict with any objective of the city or cemetery authority; (c) the exception requested is the minimum exception which would alleviate the need; and (d) the need for an exception is not the result of the action of the owner or previous owner.
- (33) A grid map of the cemetery's lots is kept in the office of the community development director and by the Oak Grove Cemetery authority and can be changed at any time to meet future burial needs and earlier burials as long as no burials are disturbed.
- (34) The cemetery authority, under proper notification of city manager or community development director, may be required to suspend these rules and regulations for a stated time period during a declared emergency event.

(Ord. of 1-23-12; Ord. No. [2017-3-6-001](#), 3-6-17)

Sec. 30-10. - Fee schedule.

- (a) The City of St. Marys, by separate fee ordinance, does hereby adopt the cemetery fee schedule with the price of lots or niches, and the fee for scattering of ashes.
 - (1) A copy of the fee ordinance was adopted and approved by city council is on file at the city clerk's office and in the office of the community development department.
 - (2) A portion amounting to at least one-half of the income from each lot sale shall be set aside in a trust fund account administered by the cemetery authority in an account maintained by the city finance department for the maintenance and preservation of the cemetery.
- (b) All payments shall be made to the City of St. Marys, 418 Osborne Street, St. Marys, Georgia, 31558.
- (c) A filing fee for the deed shall be added to the cost of the burial lot and each deed shall be recorded at the Camden County Courthouse by the burial lot purchaser at the sole expense and timing of the purchaser with copy of recorded deed returned to the city for reference. Unrecorded deeds will not be honored by the city.

(Ord. of 1-23-12; Ord. No. [2017-3-6-001](#), 3-6-17)

Sec. 30-11. - Insurance requirement for vendors working within the cemetery.

- (a) Prior to any funeral director or monument company opening a lot for burial, or setting a head stone, corner stone, slabs, bases or any other placement of monument ornamentals, a certificate of insurance naming the City of St. Marys and Oak Grove Cemetery as additional insured ATIMA, shall be provided by all vendors and funeral directors prior to being allowed to enter the cemetery for any and all work related purposes.
- (b) Insurance must be provided by A-rated carriers with limits of liability no less than shown below:

\$2,000,000.00	General Aggregate
\$1,000,000.00	Products Completed Operations
\$1,000,000.00	Each Occurrence
\$5,000.00	Medical Expenses

- (c) Vendors and funeral directors must also provide a Georgia Cemetery and Funeral Services Act Bond (Merchandise Dealers Bond) in an amount no less than \$25,000.00.
- (d) Proof of insurance to the City of St. Marys must be updated annually with new certificates of insurance. Deliver by U.S. Mail or by hand to the planning and building department.

(Ord. of 1-23-12)

Sec. 30-12. - Indigent citizens.

A burial lot shall be made available for the interment of indigent individuals, as that term is defined in O.C.G.A. § 36-12-1 et seq., who are bona fide residents of the City of St. Marys or patients of facilities located in the City of St. Marys at the time of death, and the city manager shall make application to the Camden County Board of Commissioners, pursuant to O.C.G.A. § 36-12-5, for reimbursement for the cost of the burial lot.

(Ord. of 1-23-12)

Sec. 30-13. - Penalty for violation of chapter.

Violation of these rules, regulations and prohibitions, upon conviction, shall be punished as provided in section 1-12.

(Ord. of 1-23-12)

Sec. 30-14. - Handling of cremations in Oak Grove Cemetery.

- (a) Small lots currently available for cremations are located in certain designated areas of the cemetery and are available for the interment of the cremains of one individual.
- (b) One of the adult size plots located throughout the cemetery may be purchased at the regular price and used for the interment of no more than two cremains, or the remains of one individual and the cremains of another individual, with up to two markers on the plot.
- (c) An adult size lot for the purpose of holding a single inurnment bench will sell for the same price as an adult interment plot.
- (d) An inurnment bench, memorial, monument or headstone containing no more than two cremains will be allowed on a single adult size lot and will be used in place of any other memorial.
- (e) The inurnment bench shall be made of marble or granite and will be placed at center of the plot.
- (f) An inurnment bench for two cremains must fit within the required size limit of a regular Oak Grove monument.
- (g) Only a licensed monument company or its contractors may open and reseal an inurnment bench.
- (h) An inurnment bench may be placed only with the consent of the Oak Grove Cemetery Authority.
- (i) The City of St. Marys, by separate fee ordinance, does hereby adopt an administration fee for each placement of ashes in an inurnment bench.

(Ord. No. [2018-12-17-006](#), 12-17-18)