

**AN ORDINANCE**

AN ORDINANCE AMENDING THE CODE OF GRIFFIN, GEORGIA, AT CHAPTER 30, CEMETERIES, BY REVISING ARTICLE II, RULES AND REGULATIONS FOR CITY-OWNED AND MAINTAINED CEMETERIES, TO ESTABLISH CERTAIN RULES AND REGULATIONS PERTAINING TO CITY CEMETERIES; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:**

Section 1. The Code of Griffin, Georgia is hereby amended at Chapter 30, CEMETERIES, by revising Article II, RULES AND REGULATIONS FOR CITY-OWNED AND MAINTAINED CEMETERIES, to provide as follows:

ARTICLE II. - RULES AND REGULATIONS FOR CITY-OWNED AND MAINTAINED CEMETERIES

Sec. 30-31. - Applicability.

The rules and regulations in this article shall apply to all city cemeteries, except where otherwise specified.

Sec. 30-32. - Designation of city cemeteries.

The city owns and maintains the cemeteries known as Oakhill Cemetery, Rest Haven Cemetery, Veterans Memorial Cemetery, and the Historic Confederate Cemetery. The original cemeteries were laid out by the city and burial lots were sold, in fee simple, as evidenced by the delivery of deeds to those lots; many of those deeds were never recorded in the land records, which in many cases has today caused their legal ownership to become unclear or uncertain.

By ordinance, enacted February 28, 1961, no future lot sales were to be made in the city cemeteries and all burial spaces sold thereafter, including in future portions of the existing cemeteries and any new cemeteries, were to be perpetual care, evidenced by a burial rights contract delivered to the buyer. Provision was made in said ordinance for the owners of existing cemetery lots to convert their lots to perpetual care by redelivering title to the lot to the city and payment of a perpetual care fee. Perpetual care fees from the sale of burial rights, including conversion of existing cemetery deeds, are deposited into the City of Griffin Cemetery Trust Fund.

While many lot owners took advantage of the opportunity to place their lots under perpetual care, many others did not. At this time, the city provides a consistent level of general maintenance

throughout its cemeteries, without distinction as to ownership of the underlying fee. This board of commissioners finds and concludes that individual ownership of lots remains scattered throughout the older, original sections of Oakhill Cemetery and Rest Haven Cemetery, where those persons buried in said lots no longer have descendants now living and therefore, no person or entity is now legally responsible and financially capable of providing for their upkeep and maintenance. Thus, this board concludes that those lots in its cemeteries which were earlier sold to buyers in fee simple, but for which no conversion later occurred under the ordinance of February 28, 1961, are deemed the equivalent of an abandoned cemetery, thus warranting the use of public funds for future upkeep and maintenance.

Sec. 30-33. - Rules and regulations; amendments.

The board of commissioners may, from time to time, adopt, by resolution, such rules and regulations as they shall deem necessary for the use and maintenance of the city's cemeteries. Such regulations may be amended or repealed, as needed. When the board has adopted rules and regulations as established by this section, a copy thereof shall be maintained in the city manager's office and in the cemetery office for public inspection and copying.

Sec. 30-34. – Burials; Vaults.

City cemeteries will only accommodate burials for human remains. No interments shall occur without a licensed funeral director and a city-issued permit.

Vaults are required for all in-ground burials. Vaults must be a minimum of 38 inches wide, made of concrete, fiberglass, steel, or an equally leak-proof substance. Wooden boxes shall not be used for vaults. No grave shall be less than four feet to the bottom of the vault.

Sec. 30-35. – Access to cemetery.

The proprietors of the lots and their families will be allowed access to the cemetery grounds at all reasonable times, observing the rules which are or may be adopted for the regulation of visitors. It shall be unlawful for any person to enter or be upon the grounds or premises of any city cemetery at any time after sundown and before sunup, without the consent of the cemetery superintendent.

Sec. 30-36. – Coverage by general care.

- (a) The general care provided in perpetual care of lots, whether included by burial rights contract in the new sections or by deed in the old sections, shall mean cutting of grass at reasonable intervals, raking and cleaning of the grounds, and the pruning of shrubs and trees that may be placed by the city; and general preservation of the lots and grounds, walks, roadways, boundaries, and structures, to the end that said grounds shall remain and be reasonably cared for as cemetery grounds forever.
- (b) General perpetual care provided by the city shall in no case mean the maintenance, repair, or replacement of any memorial, tomb, or mausoleum placed or erected upon lots; nor the doing of any special or unusual work; nor does it mean the reconstruction of any marble or

granite work on any section or plot caused by the elements, an act of God, thieves, vandals, malicious mischief, explosions, unavoidable accidents, invasion, insurrection, riot, or by the order of any court authority, whether the damage is direct or collateral.

Sec. 30-37. – Transfer or sale of cemetery lots.

A lot owners, his/her heirs, agents, or assigns shall not allow interments to be made in lots owned by him/her for a remuneration, nor shall he/she transfer or assign any lot without the consent of the City Manager, for which a fee, as established by the City Commission, shall be required to be paid at the time of transfer of ownership. Any such records of the transfer or sale shall be kept on file with the Cemetery Superintendent. The subdivision of lots by sale or otherwise is not permitted.

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective immediately upon adoption on second and final reading.

First Reading:            March 23, 2021

Second Reading:        April 13, 2021