

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA, TO ENACT CERTAIN SECTIONS AND/OR SUBSECTIONS OF CHAPTER 12, CEMETERIES OF THE CODE OF ORDINANCES OF THE CITY OF BYRON, AND FOR OTHER PURPOSES.**

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF BYRON, GEORGIA, THAT THE CITY OF BYRON, GEORGIA, ADOPTS CHAPTER 12, CEMETERIES, OF THE CODE OF ORDINANCES OF THE CITY OF BYRON, GEORGIA, BY ENACTING THE FOLLOWING CHAPTERS, SECTIONS, AND/OR SUBSECTIONS:**

Chapter 12 of The Code of Byron, Georgia, shall hereby read as follows:

**Chapter 12 - CEMETERIES**

**Sec. 12-1. - Ownership of cemetery ratified.**

a) *Old Byron Cemetery.* The ownership by the city of the Old Byron Cemetery in the city, owned and held by the city is ratified and confirmed. The plat of the cemetery drawn by C.C. Lowe and which plat is held by the city clerk is ratified as being a correct plat, and the ownership of the lots therein sold by the city, and shown thereon, is likewise ratified and confirmed, and the title and right of the various owners is recognized as good, in all cases where the purchase price has been paid.

b) *Reserved.*

c) *New Byron Cemetery Addition.* The ownership by the city of the New Byron Cemetery Addition to the Old Byron Cemetery in the city, owned and held by the city is ratified and confirmed. The plat of the New Byron Cemetery Addition drawn by Jones Surveying Company on May 15th, 2013 and which plat is held by the city clerk is ratified as being a correct plat. The layout of the New Byron Cemetery Addition, which is on file with the city clerk, is ratified as being a correct layout, and the ownership of the lots therein sold by the city, and shown therein, is likewise ratified and confirmed, and the title and right of the various owners is recognized as good, in all cases where the purchase price has been paid.

**Sec. 12-2. - Control of cemetery.**

The city council shall have full management and control of the city cemetery and shall have the power to purchase additional lands for cemetery purposes and to sell lots therein and provide for interment, to fix the price of lots and provide other regulations. The city council or their designee shall execute deeds to purchasers of lots, and deeds executed by the city shall be binding on the city. It shall be the duty of the cemetery committee of the council to exercise general supervision of the cemetery, to see that it is kept properly and to prevent encroachments thereon, and to do all things necessary for its protection and proper preservation.

**Sec. 12-3. - Definition and rules and regulations.**

a) *Definitions.*

1. *"Corner marker"* means a stone or marble block set upon each corner of a burial plot or subdivision thereof.
2. *"Edging"* means the stone, block or other material used to mark the borders of a burial plot or subdivision thereof, also sometimes referred to as coping.
3. *"Family memorial"* means a stone or marble monument bearing the last name of a family, the members of which are buried within the same plot, as defined below.
4. *"Lot"* means a single burial space, measuring nine feet by 4½ feet.
5. *"Marker"* means a flat stone or marble slab, placed upon the top of a burial lot, usually after interment, typically engraved with the name, date of birth and date of death of the deceased, sometimes also bearing an epitaph engraved thereon, commonly known as a tombstone.
6. *"Monument"* means a flat stone or marble slab, set erect at the head end of a burial lot, upon which is typically inscribed with the name, date of birth and date of death of the deceased buried or to be buried within the burial lot.
7. *"Plot"* means a group of eight burial lots, arranged in two side by side rows of four, contained within a square measuring 18 feet by 18 feet.
8. *"Vault"* means a container into which caskets, coffins and/or urns are deposited within the burial lot, and shall not include those containers commonly referred to in the burial industry as grave liners.

b) *Rules and regulations.* The following rules and regulations shall be observed in the use of the city cemetery:

1. The city, in accordance with law, may refuse admission to the cemetery and the use of its facilities at any time and to any person or persons that have violated provisions of this chapter, are in the process of violating provisions of this chapter, or appear to an ordinary reasonable person to be on the imminent verge of violating provisions of this chapter.
2. Deeds to cemetery lots will be withheld until the sale price of such lot is paid in full. Once the deed is issued, it will then be recorded at the Peach County Courthouse by the city clerk. After recording, it will then be given to the property owner for their record keeping purposes.
3. No lot shall be used for any other purpose than for the burial of the human dead.
4. No more than one body shall be buried in any one grave space. A grave space may be equally divided into two, 4½ feet by 4½ feet spaces to allow for the burial of cremation urns only. Only one urn may be buried in each 4½-foot by 4½-foot grave space.

5. The right to enlarge, reduce, replat, or change the boundaries or grading of the cemetery, or a section or sections, from time to time, including the right to modify or change the location of, or remove or replace roads, drives, or walks, or any part thereof is hereby reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The city reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over plots for the purpose of passing to and from plots.
6. The city will take all reasonable precautions to protect lot owners and the property within the cemetery, 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.
7. The city reserves, and shall have, the right to correct any errors that may be made in measurements, description, interments, disinterments or removals or transfer or conveyance of any interment property. Such corrections shall be made either by cancellation, substitution, refund, or such other action as is deemed practical. The city shall not be liable for damages for an error in the interment, nor for the mistake or error in the identity of the person sought to be interred or cremated. The city shall exercise due care in authorizing disinterment and removal, but it shall assume no liability for damage to any casket, vault or urn, incurred by the funeral home or vault company in making the disinterment or removal.
8. In the event an error shall be committed in the interment of the remains of any person, the city will make every attempt to contact the owner or their heirs. The city reserves the right to contract with a licensed funeral director and vault company to remove and re-inter the remains in such other property of equal value and similar location as may be substituted and conveyed in lieu of the mistaken property.
9. The city 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 where these rules and regulations have not been complied with. The city reserves the right, under such circumstances, to place the body in a funeral home or a receiving vault until the full rights have been determined. The city may require any protest to be in writing and to be filed in the office of the city clerk.
10. When instructions from the plot owner regarding the location of an interment space in a plot cannot be obtained, or are indefinite, or when for any reason the interment space cannot be opened when specified, the city may, in its discretion, allow the opening in such location in the plot as it deems best and proper so as not to delay the funeral. The city shall not be liable in damages for any error so made.

11. Once a casket containing a body is within the confines of the cemetery, no funeral director, nor their embalmer, assistant, employee, or agent, shall be permitted to open the casket or to touch the body without the consent of the legal representative or next of kin of the deceased or an order signed by a court of competent jurisdiction.
12. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, vaults are required for all burials. All vaults shall be made of reinforced concrete, copper, stainless steel, fiberglass, polymer or suitable material. Grave liners of any other description are strictly prohibited. Urn burials shall be placed in a vault and adhere to the same specifications. All such vaults must be made and installed so as to meet industry standards and state regulations.
13. Owners of cemetery lots shall not transfer or assign any lot or any interest therein, without the consent, in writing, of the city or its authorized representative. The written endorsement must appear on the writing of transfer or assignment or such document shall be considered invalid.
14. Trees, shrubs or plants will not be planted, altered or removed without the express consent of the city.
15. If any trees or shrubs situated in any lot shall, by means of their roots or branches, become detrimental to the adjacent lots, unsightly, or inconvenient to the setup for a funeral service, the city shall have the right to enter the lot and remove trees and/or shrubs, or such parts as shall be determined detrimental, unsightly or inconvenient.
16. Only granite or marble markers shall be installed in the New Byron Cemetery Addition to which a bronze plaque may be attached. Edging (coping) on lot enclosures is allowed and shall be 4 inches or 6 inches in width. Such enclosure burial plot shall be finished with a cement floor and pea gravel overlay so as to be uniform with existing cemetery plots.
17. No signs, notices or advertisements of any kind shall be allowed in the cemetery, except by the city.
18. All grave preparers must provide notification to the city prior to commencement of work for burial, entombment or disinterment. The person or firm requesting such work may be required to furnish satisfactory evidence of their ability to properly perform the work proposed and furnish a certificate of insurance. The management of excess dirt will be the responsibility of the preparer. Preparers are responsible for settling of grave space for six months after interment.
19. All markers are restricted by the city as to size, material, design, lettering, location and installation. All persons installing markers must notify the city prior to commencement of work. The person or firm performing such installation may be required to furnish satisfactory evidence of their ability to properly perform the work performed and furnish the city with a current certificate of insurance.

- a. *Material:* All monuments and/or markers and benches must be of first quality marble, iron or granite. All monuments and markers are to be guaranteed for a period of five years against sap residue, components which cause rust stains and from natural faults which might cause chips or cracks. Grave, lot markers and crypt doors shall be finished to the design normally considered standard for the type of stone used, and lettered only incisely (cut in). Inscriptions on crypt doors shall only contain block letters no larger than three inches in height and must be approved by the city prior to such inscription. All such lettering cut on crypt doors must conform to the style, size and spacing of the lettering which has already been cut on existing crypt doors in place on existing mausoleums. In the event such future lettering does not conform to the above specification, a new crypt door must be provided with the lettering to conform to these specifications.
  - b. *Placement:* Monument builders shall set monuments and markers in accordance with the trade standards of proper handling and settling, and according to city specifications. Grave markers shall not be more than four inches above the ground elevation. Corner markers shall be no more than four inches above the ground elevation. Family memorials may be placed only upon plots wholly owned by a single family.
  - c. *Foundations:* Foundations for all monuments and markers will be installed by the monument erector.
  - d. *Size of monuments and markers:* Individual grave markers for adults shall be a minimum of 12 inches in width and 24 inches in length. Infant markers shall be a minimum of ten inches in width and 18 inches in length. Grave markers shall be no more than four inches in thickness. Corner markers shall not exceed four inches in width and breadth, and four inches in height.
  - e. *Memorial sizes:* Monuments on individual lots shall not exceed 36 inches in length. Monuments on double lots shall not exceed 84 inches in length. Monuments or edging are allowed in the New Byron Cemetery Addition.
  - f. *Right to remove:* Should any monument, marker, effigy, enclosure, or inscription, in the opinion of the city, be considered offensive or improper; or become unsightly, dilapidated, or a menace to safety, the city reserves the right to either correct the condition or remove the same at the expense of the owner. Metal markers, ornaments, chairs, or similar articles of any construction are not permitted, and the right to remove them is reserved.
20. Religious, fraternal and military symbols or other appropriate markings are allowed and encouraged as a part of the monumental inscriptions.
  21. Flowers and floral designs are allowed but must be kept immediately adjacent to monuments or markers. During the time of year for the cemetery to be mowed, care must be taken to ensure that flowers do not interfere with the mowing of the

cemetery. Caution should be given in choosing artificial flowers, as some dyes run and can deface monuments. Decorations and/or trinkets may be removed if they interfere with mowing. No holes are to be dug in the ground. The city reserves the right to remove any flowers, wreaths, flower pots, vases, trees, shrubs or objects of any kind, if, in the opinion of the city they become unsightly, or a menace to safety.

22. The city hereby expressly reserves the right to adopt additional rules and regulations, and amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these rules and regulations, in accordance with the appropriate process for enacting ordinances.
23. These rules and regulations shall be interpreted, applied and enforced by the city. In cases of hardship, necessity or unreasonableness in the application or enforcement of any of these rules and regulations, the city council, shall have the right to alter the application and enforcement of these rules and regulations so as to relieve the hardship or unreasonableness on a case by case basis.
24. No person shall be entombed in a city-owned or privately-owned above ground mausoleum or columbarium until the deceased's body has either been embalmed or cremated.

#### **Sec. 12-4. - Additional regulations.**

The following cemetery regulations shall also be observed:

- (1) *Use of bicycles, skates, skateboards or other such vehicles.* It shall be unlawful for any person to bring a bicycle, skates, skateboard, or other recreational wheeled device into any area set aside for the interment of human remains within the city.
- (2) *Loitering or causing noise and disturbance.* It shall be unlawful for any person to loiter, make noise, or in any way create a disturbance in the area of any place within the city which is set aside for the interment of human remains.
- (3) *Restrictions on gatherings of persons.* It shall be unlawful for any group of persons to gather in any area set aside for the interment of human remains within this city for any purpose other than preparation of spaces for interment, funeral services, memorial services, or other such gatherings specifically related to some decedent interred in such cemetery.
- (4) *Penalty for violation of section.* Any person violating this section shall be issued a citation for appearance before the judge of the municipal court. For the first violation, an offender shall be punished by a fine not to exceed \$200.00, confinement not to exceed 30 days, or both. For the second and any subsequent violation by the same person, the penalty shall be a fine not to exceed \$500.00, confinement not to exceed six months, or both. For purposes of this section, each act constituting a violation of this section shall be considered a separate offense punishable separately, and any violation of this section which occurs after the issuance of a citation for a previous violation shall be considered a second or subsequent violation.
- (5) The city cemetery shall be open for visitation from sunrise to sunset only.

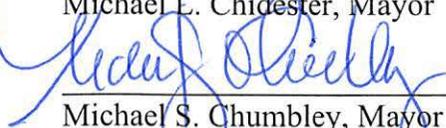
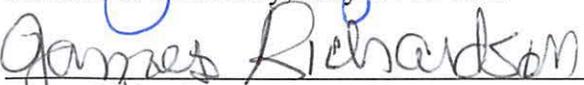
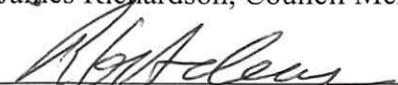
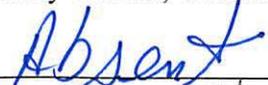
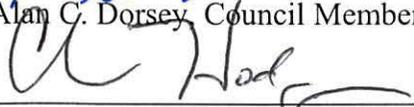
Sec. 12-5. - City cleaning/maintenance of cemetery and gravesites.

The city reserves the right to prohibit the use of any bleach, acid wash, sand-blasting, etc., of any monuments or markers. Only cleaning products intended specifically for cleaning and protecting of cemetery markers, stones, monuments, etc., shall be used.

This 2021-6 Ordinance shall be effective 5/10/2021 and thereafter. Any and all existing or pre-existing provisions in conflict with this Ordinance shall be, and are hereby repealed.

SO ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA,  
THIS 10<sup>th</sup> DAY OF may, 2021.

CITY OF BYRON, GEORGIA

  
\_\_\_\_\_  
Michael L. Chidester, Mayor  
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Michael S. Chumbley, Mayor Pro Tem  
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James Richardson, Council Member  
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Rusty Adams, Council Member  
\_\_\_\_\_  
Alan C. Dorsey, Council Member  
\_\_\_\_\_  
Christopher C. Hodges, Council Member

Attest:

  
\_\_\_\_\_  
Telina Allred, City Clerk

*Dede Thibodeaux, Deputy Clerk*

