

THE MAYOR AND CITY COUNCIL OF THE CITY OF VIENNA HEREBY ORDAINS that Chapter 18 – CEMETERIES be deleted in its entirety and a new CHAPTER 18 – CEMETERIES be adopted as follows:

Chapter 18 - CEMETERIES

Footnotes:

ARTICLE I. - IN GENERAL

Sec. 18-1. - Generally.

For the mutual protection and benefit of every lot purchaser in the city cemetery, the rules and regulations included in this chapter are adopted. All property owners and visitors within the cemetery and all lots hereafter to be sold shall be subject to this chapter formulated and adopted by the Mayor and City Council of the City of Vienna.

Sec. 18-2. - Allotment of space.

No allotment of space in the city cemetery shall be made except upon application to the city administrator, signed by the person in whose name the allotment is to be made. Every such application shall contain a stipulation to the effect that, in consideration of the allotment of the space so applied for, the applicant shall abide by all the rules and regulations made and hereafter enacted by the city council for the management and control of cemeteries. Every allotment of space in the city cemeteries shall be deemed to be made subject to the condition that all such rules and regulations shall be complied with.

Sec. 18-3. - Sale of lots generally.

The city administrator/city clerk shall be responsible for the plat for each cemetery and shall sell the lots and graves at such price as set by the mayor and council. Giving a receipt thereof to the purchaser, specifying the number and location thereof, and enter the same on his/her records. Such receipt and entry shall give the purchaser a title to the lot or grave, subject to such regulations as the council may establish for the government of the cemetery. All grave spaces or lots in city-designated cemeteries shall be sold to any and all persons regardless of race, creed, color, nationality or religious belief.

Sec. 18-4. - Disposal of waste.

Excess dirt and waste in the cemetery will be disposed of at sites to be determined by an officer of the city. No dirt will be allowed to be placed alongside any fencing, walks or roads unless approval is given by an official of the city.

Sec. 18-5. - Lot rates.

Be it ordained by the City Council of Vienna and it is hereby ordained by the authority thereof that the following rates shall be adopted as the cemetery lot rates for the Vienna Cemetery which became effective September 13, 2010:

One Grave lot: \$300.00, except as to lots in the Northwest section of Vienna City Cemetery.

Sec. 18-6. - Interments, disinterments and cremains.

(a) *Interments and disinterments.*

- (1) Properties shall not allow interments to be made in their lots for remuneration, nor shall any transfer or assignment of any lot or of any interest in a lot be valid without the written consent of the city.
- (2) No disinterments shall be allowed except by consent of the city, and upon the written order of the owners of the lot, or if required by lawful order of a Court having lawful jurisdiction.
- (3) No lot shall be used for any other purpose than for the burial of the human dead.

(b) *Cremains.*

- (1) In the event of cremated (urn) remains:
 - a. Only one cremated (urn) remains may be buried in one grave space if that grave space at the time of burial contains one coffin remains.
 - b. No more than two cremated (urn) remains may be buried in one grave space. If the grave space contains two cremated (urn) remains no other adult remains can be buried in the grave space.
 - c. If one cremated (urn) remains is buried in the grave space only one adult coffin remains can be buried in the grave space.
- (2) The owner of the grave space in the Northwest Section of the cemetery may provide for and/or install a ground-flush pillow grave marker or a ground-flush foot marker for the cremated remains as required in Article II set forth hereinafter.

Sec. 18-7. - Memorials.

No memorial, such as family marker, grave marker, slab or corner post, shall be placed in the cemetery either on a grave or lot unless it is made of concrete, marble, granite or bronze. Corner posts or nameplates shall be placed flush with the finished grade of the surrounding ground, except as is limited by Article II hereinafter applicable to the Northwest Section of the Vienna City Cemetery only.

Sec. 18-8. – Grave site opening: permit required .

- a) A request in writing is required of the lot owner or authorized funeral director before a grave is to be opened, giving the name and location of the grave in reference to the lot. A permit fee of \$100.00 will be due and payable to the City of Vienna before any grave shall be opened.
- (b) The burial permit shall be obtained a minimum of 24 hours in advance of said site opening. Said notice may be waived by the city administrator in extenuating circumstances.
- (c) All funeral homes are required to verify that all fees have been submitted to the City of Vienna.
- (d) Under no circumstances shall any party attempt to open a grave site prior to proper identification by the City of Vienna. Any person doing such work without authorization shall be subject to a penalty or fine not to exceed \$500.00.

Sec. 18-9. - Grave opening.

- (e) *Dimensions.* All gravesites shall have an opening sufficient in size to accommodate the vault.
- (f) *Groundcover.* All graves shall be dug to a depth sufficient to allow a minimum groundcover of 12 inches.
- (g) *Soil removal methods.* In no event shall the removal of excess material result in the damage to surrounding lots, nor cause ruts to develop, nor cause damage to surrounding monuments, etc. In the event of such damage, the person, firm or corporation responsible shall pay to the City of Vienna its cost of repair of such damage.
- (h) *Soil compaction.* All gravesites opened shall have the soil returned to the site compacted to prevent settling of such soil after completion of the burial.

Sec. 18-10. - Plantings.

- (a) All grading, landscape work, and improvements of any kind, and care of the cemetery, and all trees and shrubs moved, and herbage of any kind shall be done by the city. Permanent planting of shrubs and flowers are to be made by the city.
- (b) The whole cemetery is to be landscaped, and to keep it uniform it is necessary that all plantings be under the control of the city including the following additional care: removal of rubbish when necessary, raking and cutting grass, trimming of trees and shrubbery and other care that the city may deem necessary. The city herewith retains supervision of all lots in the city cemeteries and upon hearing before the city council, the city may prohibit, modify or cause to be removed, any structure, object or improvement which has been placed subsequent to the adoption of these rules and regulations, and which may be considered objectionable, unsightly or injurious to the lot upon which the same are located, adjoining lots, or the cemetery in general.
 - (1) The city may remove cut flowers, pot plants, and the containers and stands for the same, when the flowers or plants have become unsightly. For the purpose of this subsection "unsightly" is defined as applying to cut flowers or pot plants when the same have shattered blooms, wilted or dead leaves and blooms, bleached or discolored leaves and colored foliage, to the extent of one-fourth of the original total of the same. Nevertheless, the removal of cut flowers, pot plants, containers, and stands for the same such lots by the city, as hereinbefore set forth, is hereby authorized.
 - (2) The city may remove artificial flowers, silk flowers and foliage, artificial shrubs, pictures, stuffed animals, bric-a-brac, memorabilia, and similar items whenever the same become water-logged, scattered, discolored or damaged.

Sec. 18-11. - Driving trucks on lots.

All trucks, such as used by gravediggers, monument erectors, and other workers, driving on cemetery lots must have some support under their wheels before driving onto lots.

Sec. 18-12. - Workers' responsibility for cleanup.

Any person doing any type of work such as gravedigging, monument erecting, coping installation, slab installation, and similar activities, shall be responsible for the cleaning and removal of any waste, broken concrete, slabs, dirt, and other materials and disposal of waste material in a proper place and not in the cemetery.

Sec. 18-13. - Care of inside lots.

- (a) The neatness and proper care of inside lots in the cemetery bordered by coping shall be the responsibility of the lot owner, and the owner shall keep the inside lot cut and free of high grass, weeds, shrubs, and other growth, except as required in Article II set forth hereinafter.
- (b) The city public works department may prune, remove or transplant any tree, shrub, plant or flower growing upon any lot when, in its discretion, the maintenance may be necessary or shall add to the general appearance in the plan of a city-designated cemetery.
- (c) The city shall have the right to install, maintain, operate, alter and repair pipelines or gutters for sprinkler systems, drainage and landscape purposes, as well as the right to use land outside actual burial plots for public cemetery purposes other than for burial.
- (d) No person shall cut, prune, remove or transplant any flower, shrub, tree or plant from any section without permission from the city administrator or authorized city employees.

Sec. 18-14. - Burial vault.

- (a) In order to maintain a high standard of care, a grave vault made of a permanent-type material such as natural stone, metal, concrete or fiberglass shall be placed in a grave so that the top of the vault will not be less than 12 inches below ground level at any point so as to eliminate unsightly and/or dead spots in grass sod.
- (b) It shall be unlawful for any person to bury a person in the City of Vienna Cemetery in a steel vault less than five feet from the top of the ground to the bottom of the grave or vault; and in a concrete/cement vault no person shall be buried less than four feet from the top of the ground to the bottom of the vault.

Sec. 18-15. - Maintenance.

- (a) There is historic significance within the Vienna City Cemetery, and in an effort to pertain and record this history, and a continuous effort to maintain the cemetery, an opening/closing grave assessment fee will be administered and collected.
- (b) Any person doing any type of work in the Vienna City Cemetery must notify city hall. A signed permit will be issued by the city authorizing work.
- (c) Any person doing such work without authorization shall be subject to a penalty or fine not to exceed \$500.00.

Sec. 18-16. - Signs, notices or advertisements.

No sign notice or advertisement of any kind will be permitted upon any part of the grounds of the cemetery, except those erected by the City of Vienna in connection with the operation of the cemetery.

Sec. 18-17. - Cemetery hours.

It shall be unlawful for any person to enter the City of Vienna Cemetery between the hours of sunset and sunrise.

Sec. 18-18. - Speed of vehicles.

No person shall drive a vehicle within the confines of the cemeteries at a speed in excess of 5 miles per hour.

Secs. 18-19—18-30. - Reserved.

ARTICLE II. - NORTHWEST SECTION OF THE VIENNA CITY CEMETERY

Sec. 18-31. - Memorials.

- (a) No above ground slab (also known as ledger) will be permitted in this portion of Vienna City Cemetery named as the Northwest Section further designated as Blocks A - J. Bronze, granite or marble ledgers (pillows) will be allowed in Blocks A - J, if they are flush with ground level. The dimensions of the slab (ledger, pillow) shall be at least one foot by two feet but not to exceed one foot by three feet.
- (b) Notwithstanding the above provisions of this section, no above ground slab shall be permitted in the section of the Vienna City Cemetery, currently known as Northwest Section (newest cemetery section), Blocks A - J.
 - (1) No coping, curbing, fencing, hedging, grave mounds, borders or enclosures of any kind shall be allowed around any lot in the Northwest Section Blocks A - J.
 - (2) No loose gravel shall be allowed on any lot the Northwest Section Blocks A - J.
 - (3) The city reserves the right to remove such gravel if so placed.
 - (4) The grass is to be saved prior to digging the grave so it can be returned back in place after interment.
- (c) All gravesites must be marked within 90 days of burial with markers made of bronze, granite or marble markers and all should be flush with the ground level. The dimensions of the marker (pillow) shall be at least one foot by two feet but not to exceed one foot by three feet.

Sec. 18-32. - Care of inside lots.

The neatness and proper care of the lots in the Northwest Cemetery shall be the responsibility of the contracted agent of the City of Vienna. The contracted agent of the City of Vienna will mow the grass on the lots but will not weed the areas around any flower vases.

Sec. 18-33. - Lot rates.

Be it ordained by the Mayor and City Council of the City of Vienna and it is hereby ordained by the authority thereof, that the following rates shall be adopted as the cemetery lot rate for the City of Vienna Cemetery Northwest Section which became effective June 1, 2014.

- One grave lot: \$500.00
- Two graves lot: \$1,000.00
- Four graves lot: \$2,000.00 (small family plot)
- Eight graves lot: \$4,000.00 (large family plot)

Secs. 18-34—18-75. - Reserved.

Repealing Clause

All ordinances or resolutions of the Mayor and City Council of the City of Vienna, Georgia, that conflict with the provisions of this ordinance shall be, and the same are hereby repealed and rescinded, but only to the extent of such conflict.

Severability

If any provision of this ordinance is determined by a Court of competent jurisdiction to be invalid or otherwise unenforceable, such findings shall not affect the other provisions hereof, which shall remain in full force and effect.

The First Reading of Ordinance:

The Second Reading of Ordinance:

The adoption date of this Ordinance is:

The effective date of this Ordinance is:

ORDAINED by the Mayor and Council of the City of Vienna this.

ATTEST:

By: _____

Margaret Shelley, City Clerk

Mayor: _____

Eddie Daniels, Mayor

(AFFIX CITY SEAL)

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