

RULES AND REGULATIONS OF EAST SIDE CEMETERY EXTENSION

CITY OF STATESBORO

Statesboro, Georgia

For the mutual protection of every lot purchaser in these sections, these rules and regulations are hereby adopted as the rules and regulations of East Side Cemetery Extension, and all property owners and visitors within the cemetery and all lots hereafter to be sold in these sections, are and shall be subject to the following rules and regulations formulated and adopted by the Mayor and City Council of Statesboro, Georgia, and subject further to such other and additional rules and regulations, amendments or alterations as shall be adopted by the City for said East Side Cemetery Extension, the same being a public cemetery, owned and operated by the City, and the reference to such rules and regulations in instruments or deeds conveying the ownership of lots and the right of internment, shall have the same force and effect as if the same were set forth herein.

1. An order or request in writing is required of the lot owner or authorized undertaker before a grave is to be opened, giving the name, age, sex, date of decease and location of grave in reference to the lot.

2. All grading, landscape work and improvements of any kind, and care of lots shall be done, and all trees and shrubs moved and herbage of any kind shall be planted, trimmed, cut or removed, only by the City of Statesboro. Permanent planting of grasses, shrubs, flowers, etc., are made by the city and further plantings may be permitted only at the discretion of the property committee of the City of Statesboro. The whole cemetery is to landscaped, and to keep it uniform it is necessary that all plantings shall be under the control of the City of Statesboro including the following additional care: Removal of rubbish when necessary, raking, and cutting grass, trimming of trees and shrubbery and other care that said City may deem necessary. The ownership of rights of internment in lots does not convey any right to do planting, etc., without the express approval of the proper officials of the City. The City retains control and supervision of all lots that are sold in these sections; and the City retains the right to have its City Engineer enter upon any lot and prohibit, modify or remove any structure, object, improvement or adornment on such lot, which may have been placed thereon, and which may be considered objectionable or injurious to the lot, adjoining lots or the cemetery in general.

3. The City of Statesboro reserves the right to remove all cut flowers and pot plants, that may be dead or otherwise objectionable, and will hold the same or the containers for two weeks after their removal, using ordinary care and diligence for their protection and safety, but assumes no further liability in connection therewith. Owners must call for same within specified time.

4. The right to enlarge, reduce, replan or change the boundaries or grading of the cemetery, or of the section or sections, from time to time, including the right to modify and change the locations of or remove or regrade the roads, drives or walks, or any part thereof, is hereby expressly reserved. The right to lay, maintain, operate or alter, or change pipe lines and gutters for sprinkler systems, drainage, etc., is also expressly reserved as well as is the right to use said land for cemetery purposes.

5. All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery or plants or disturbing bird or other animal life in the cemetery.

6. No signs, notices or advertisements of any kind shall be allowed in the cemetery unless placed by the City.

7. The City shall not be liable and distinctly disclaims all responsibility, for the loss or damage to property or rights of lot owners arising from causes beyond our 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.

8. (a) Only one central or family memorial shall be allowed on a family lot, which said memorial shall be placed on the rear of the lot facing the drive, with one foot clearance between base of the memorial and the back property line of said lot.

(b) In the event a horizontal marker is used on a grave, only material consisting of stone, marble or bronze may be used, and the top of same shall be placed flush with the finished grade of the surrounding ground.

(c) The top of any vault or container holding a body shall be placed at least twelve inches below the finished grade of the surrounding ground.

(d) No coping, curbing, fencing, hedging, grave mounds, borders or enclosures of any kind shall be allowed around any lot, and no walks of bricks, cinders, tile, stone, marble or terra-cotta, sand, cement, gravel or wood shall be allowed on any lot; the City reserves the right to remove the same if so erected, planted or placed.

(e) While the City will exercise all possible care to protect raised lettering, carving or ornaments on any memorial or other structure, on any lot, it disclaims any responsibility and shall not be liable for any damage or injury thereto.

9. Only two lots will be sold to any one person, and in the event of sale of either lot before the same is used, it must be first offered to the City of Statesboro at a price not exceeding the original purchase price plus two per cent per annum as interest on the money so invested, and if the City refuses said lot, it may be sold to an individual on the same basis as above, and at no greater price.

10. The location of any lots referred to in these rules in the restricted section of said cemetery may be found by reference to a plat on file in the office of the City Engineer.

Chapter 26 CEMETERIES*

*State law references: 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. 26-1. Applicability of chapter; additional regulations.

Sec. 26-2. Authority of city as to maintenance and improvements.

Sec. 26-3. Rights reserved by city.

Sec. 26-4. Liability of city for loss or damage.

Sec. 26-5. Request for grave opening.

Sec. 26-6. Sale and resale of lots.

Sec. 26-7. Price of lots.

Sec. 26-8. Use of lots.

Sec. 26-9. Removal of dead plants or flowers.

Sec. 26-10. Injuring or disturbing trees or plants; disturbing bird or animal life.

Sec. 26-11. Posting signs or advertisements.

Sec. 26-12. Unauthorized persons prohibited on grounds at night.

Sec. 26-1. Applicability of chapter; additional regulations.

All property owners and visitors within the East Side Cemetery Extension, and all lots hereafter to be sold therein, are and shall be subject to the rules and regulations set out in this chapter as formulated and adopted by the mayor and council, and subject further to such other and additional rules and regulations, amendments or alterations as shall be adopted by the city for the East Side Cemetery Extension, which is a public cemetery owned and operated by the city. Reference to such rules and regulations in instruments or deeds conveying the ownership of lots and the right of interment shall have the same force and effect as if such rules and regulations were set forth therein.

(Code 1987, § 5-1)

Sec. 26-2. Authority of city as to maintenance and improvements.

All grading, landscape work and improvements of any kind, and care of cemetery lots, shall be done, and all trees and shrubs shall be moved, and herbage of any kind shall be planted, trimmed, cut or removed, only by the city. Permanent planting of grasses, shrubs, flowers, etc., shall be made by the city, and further plantings may be permitted only at the discretion of the proper committee of the city. The whole cemetery is to be landscaped, and to keep it uniform all plantings shall be under the control of the city, as shall removal of rubbish when necessary, raking and cutting of grass, trimming of trees and shrubbery and other care that the city may deem necessary. The ownership of rights of interment in lots shall not convey any right to do planting or the like without express approval of the proper officials of the city. The city retains control and supervision of all lots that are sold in the sections subject to this chapter, and retains the right to have its city engineer enter upon any lot and prohibit, modify or remove any structure, object, improvement or adornment on such lot which may have been placed thereon and which may be considered objectionable or injurious to the lot, adjoining lots or the cemetery in general.

(Code 1987, § 5-2)

Sec. 26-3. Rights reserved by city.

The right to enlarge, reduce, replan or change the boundaries or grading of the cemetery, or of the sections, from time to time, including the right to modify and change the locations of or remove or regrade the roads, drives and walks, or any part thereof, is hereby expressly reserved to the city. The right to lay, maintain, operate or alter or change pipelines and gutters for sprinkling systems, drainage, etc., is also expressly reserved, as well as the right to use the land for cemetery purposes.

(Code 1987, § 5-3)

Sec. 26-4. Liability of city for loss or damage.

The city shall not be liable for loss or damage to property or rights of cemetery lot owners arising from causes beyond its control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority, whether the damage be direct or collateral.

(Code 1987, § 5-4)

Sec. 26-5. Request for grave opening.

An order or request in writing is required of the lot owner or authorized mortician or funeral director before a grave in the cemetery is to be opened, giving the name, age, sex and date of decease, and the location of the grave in reference to the lot.

(Code 1987, § 5-5)

Sec. 26-6. Sale and resale of lots.

Only two cemetery lots shall be sold to any one person. In the event of the sale by an owner of either lot before the lot is used, it must first be offered to the city at a price not exceeding the original purchase price plus two percent per annum as interest. If the city refuses to purchase the lot, it may be then sold to an individual on the same basis and at no greater price.

(Code 1987, § 5-7)

Sec. 26-7. Price of lots.

The price of burial plots in the East Side Cemetery Extension shall be fixed and determined by ordinance or resolution of the council.

(Code 1987, § 5-11)

Sec. 26-8. Use of lots.

(a) *Family memorials.* Only one central or family memorial shall be allowed on a family cemetery lot, which memorial shall be placed on the rear of the lot facing the drive, with one foot of clearance between the base of

the memorial and the back of the property line of the lot; provided, however, that this subsection shall not apply to one additional marker, memorial or monument for a soldier killed in World War II, which may be placed on any lot in addition to the regular family memorial marker, but such an additional marker or monument shall correspond to and be controlled in size, shape and location by the restrictions on the family marker, and shall only be erected under the special supervision of the city engineer.

(b) *Horizontal markers.* If a horizontal marker is used on a grave, only material consisting of stone, marble or bronze may be used, and the top of the marker shall be placed flush with the finished grade of the surrounding ground.

(c) *Depth of vaults.* The top of any vault or container holding a body shall be placed at least 12 inches below the finished grade of the surrounding ground.

(d) *Borders, enclosures and walks.* No coping, curbing, fencing, hedging, grave mounds, borders or enclosures of any kind shall be allowed around any lot, and no walks of brick, cinders, tile, stone, marble or terracotta, sand, cement, gravel or wood shall be allowed on any lot. The city shall have the right to remove such borders, enclosures and walks if so erected or placed.

(e) *Liability of city.* While the city shall exercise all possible care to protect raised lettering, carving or ornaments on any memorial or other structure on any lot, it shall not be liable for any damage or injury thereto.

(Code 1987, § 5-6)

Sec. 26-9. Removal of dead plants or flowers.

The city shall reserve the right to remove all cut flowers and pot plants in the cemetery that may be dead or otherwise objectionable, and will hold the plants or the containers for two weeks after their removal, using ordinary care and diligence for their protection and safety, but shall assume no further liability in connection therewith. Owners shall call for the plants or containers within the specified time.

(Code 1987, § 5-8)

Sec. 26-10. Injuring or disturbing trees or plants; disturbing bird or animal life.

All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery or plants or disturbing bird or other animal life in the cemetery.

(Code 1987, § 5-9)

Sec. 26-11. Posting signs or advertisements.

No signs or notices or advertisements of any kind shall be allowed in the cemetery unless placed by the city.

(Code 1987, § 5-10)

Sec. 26-12. Unauthorized persons prohibited on grounds at night.

It shall be unlawful for any person to be present in any city cemetery at any time between sunset and sunrise for any purpose without consent of the city administrator