

ORDINANCE NUMBER 383
CEMETERY ORDINANCE

An Ordinance governing the management, control and protection of Louisville Memorial Cemeteries within the city limits of Louisville, Mississippi, which are owned and maintained by the City of Louisville, Mississippi.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF LOUISVILLE, MISSISSIPPI.

Section 1: That Ordinance Number 365, "An Ordinance Governing The Management, Control And Protection Of Cemeteries Within The City Limits Of Louisville, Mississippi, Which Are Owned And Maintained By The City Of Louisville, Mississippi", adopted December 3, 2013, and all subsequent amendments to this Ordinance are herewith rescinded.

Section 2: That any section of any other Ordinance of the City of Louisville, although not specifically identified herein, which is in conflict with any section of this Ordinance, is hereby repealed.

Section 3: That Louisville Memorial Cemetery shall consist of what has previously been referred to as Memorial Park Cemetery and Memorial Gardens Cemetery.

Section 4: That the supervision of the cemeteries reserves a protectorate over each and every lot, parcel or grave sold in said cemeteries; that is no lot or grave shall be molested, marred, changed, improved or bodies disinterred, without the consent of legal authority, or duly authorized official of said cemetery and the City of Louisville.

Section 5: That all trees, shrubbery, or flowers in said cemeteries shall remain the property of the cemetery and cannot be removed without written consent of the officials of the cemetery, and no laborers or gardeners, except employees of said cemetery, shall be allowed or permitted within the grounds, without a special permit from the officials of said cemetery. All shrubs, trees, and flowers shall be planted under the direction and with the approval of the officials of the cemetery and no flowers, shrubs and trees shall be planted on an individual lot. No mounds on graves shall be permitted and no enclosures of graves or lots with stones or other material other than the natural sod of the remainder of the cemetery will be permitted.

Section 6: That there is reserved the right to remove any vases, jars or other receptacle when same have served their purpose and becomes deteriorated or unsightly as determined by the officials of said cemeteries.

Section 7: That all interments on lots shall be restricted to members of the family, or relatives of the owner, or next of kin of the deceased. There shall be interment of only one individual per lot.

Section 8: That there shall be no charges, or assessments on lots sold with perpetual care unless a special service is required and agreed upon other than the permit fees for opening/closing of graves described in Section 15 of this Ordinance, a fee for perpetual maintenance described in Section 21 of this Ordinance, and a deposit for installation of grave markers as described in Section 22 of this Ordinance.

Section 9: That all of the conveyances of lots shall be recorded in the office of Chancery Clerk of Winston County, Mississippi, and no deed of conveyance from a purchaser shall be made unless approved by the City Clerk of the City of Louisville.

Section 10: That there shall be no shooting of firearms or fireworks within the grounds of the cemeteries and no person in the possession of firearms, other than law officers and/or military officials conducting military funerals, shall be admitted into the cemeteries.

Section 11: That any person disturbing the sanctity of the cemeteries or who conducts himself in an improper or boisterous manner shall be ejected from the cemetery grounds.

Section 12: That any funeral director, funeral home or mortuary in charge of any funeral in the cemeteries or any party designated by the City with the responsibility of opening and closing graves, shall leave the surface of the earth as near the condition as it was found as is possible and in no event shall any earth, grass, cuttings from shrubbery, rubbish or debris of any kind be left in the walks, driveways between lots, or on the lots of others. A tarpaulin or other suitable temporary ground cover shall be spread upon the ground for the deposit of loose soil resulting from the opening of the grave.

Section 13: That it shall be unlawful for any person to enter or go within the enclosures of the cemeteries during the hours of night time - that is between sunset and sunrise.

Section 14: That the price for single spaces in the Louisville Memorial Cemetery shall be one hundred fifty dollars (\$150.00) per lot. No burial lot in the cemeteries will be sold for speculative purposes, and the title to any lot sold at a higher price than herein fixed shall revert to the City of Louisville. Twenty-five dollars (\$25.00) of the funds received from the sale of a lot will be deposited

into a perpetual care fund with the interest being used for maintenance and care of the cemetery and the use of the corpus being prohibited.

Section 15: That any licensed funeral home, mortuary or other business licensed to bury the dead desiring to open or close a grave for the purpose of interring or disintering the remains of a deceased human being in a cemetery owned and maintained by the City of Louisville must first purchase a "Permit to Open/Close Grave" from the City Clerk of the City of Louisville. Said permit must be purchased a minimum of twenty-four (24) daylight hours prior to the opening of the grave and the opening of all graves shall be at the expense of the owner of the cemetery lot. All permits shall (1) bear an identifying, sequential number; (2) identify the name of the deceased person whose body will be interred or disinterred; (3) identify whether the graves will be opened and closed for the purpose of interring or disintering a body; (4) identify the name of the person or entity seeking to open or close the grave; (5) state the date the grave will be opened; (6) state the date the grave will be closed; (7) provide a description of the cemetery and cemetery lot where the grave will be opened and closed as determined from the cemetery plat on file in the office of the City Clerk, City of Louisville; (8) contain a statement to be signed by the person or business who is granted the permit of his/her knowledge and understanding of the city's Ordinance pertaining to the opening and closing of graves including the penalties for non-compliance, and his/her agreement to comply with the provision of said Ordinance; (9) contain the signature of the City Clerk or his/her designated representative authorizing the issuance of the permit, and; (10) provide a certification section to be completed after the grave has been closed indicating that the closed grave and surrounding area have been inspected by a representative of the city to determine if any damage to surrounding permanent grave markers or structures has occurred and identifying any such damage. The permit shall be printed in triplicate with an original and two identical copies, each copy to be printed on a different color paper. The original permit shall be maintained in a file at the office of the City Clerk of the City of Louisville in a file designated for that purpose. The second copy shall be given to the person who is granted the permit. The third copy shall be given to the city's designated representative charged with the cemetery maintenance and upkeep who shall return it to the City Clerk after the grave has been closed and the Certificate of Compliance section completed. The fee for issuance of a Permit to Open/Close Grave shall be three hundred seventy-five dollars (\$375.00) and shall be paid and a receipt issued at the time the permit is issued. All permit fees collected under the provisions of this section shall be deposited by the City Clerk into the Cemetery Fund maintained by the City of Louisville and shall be used solely for the maintenance, upkeep and capital improvements in these cemeteries.

Section 16: That upon issuance of a permit to open a grave, the city's designated representative charged with cemetery maintenance and upkeep shall determine the correct location of the cemetery lot and open the grave as close to the schedule of the funeral home as possible.

Section 17: That any funeral home, mortuary or other individual issued a permit for the opening or closing of a grave and who has reason to bring vehicles or equipment of any type into a cemetery shall use due caution and diligence to assure that grave markers and other permanent structures located within the cemetery are not damaged. In the event such damage does occur as a result of opening or closing of a grave or the interment or disinterment of a body, the permit holder shall assume full liability for such damages. Under this section, the permit holder shall assume all liability for damages associated with contractors employed to deliver burial devices, (including burial vaults,) and any other equipment or supplies related to the interment or disinterment authorized by the permit.

Section 18: That the city's obligation to persons who have purchased burial plots and/or burial markers in city-owned and maintained cemeteries is limited to the reasonable upkeep of the grounds, roads, fences and other landscaping but does not include any liability associated with grave markers, burial equipment, caskets, vaults or the remains of the deceased.

Section 19: That a sign be erected at each entrance of any city-owned and maintained cemetery which reads: "The opening and closing of graves in this cemetery is governed by City Ordinance and is authorized only by permit which may be obtained at the office of the City Clerk, City of Louisville, Mississippi."

Section 20: That in the course of maintaining certain sections of Memorial Park and Memorial Gardens Cemeteries, it is necessary to regulate the type and installation of cemetery markers so as not to interfere with the required maintenance of said cemeteries. Sections of Memorial Park and Memorial Gardens Cemeteries effected by this Section of the Ordinance are identified as Memorial Park Cemetery Expansion and that portion of Memorial Gardens developed on or after 1989 less and except: the Western Tier of plots in Addition No. 1 to Memorial Gardens Cemetery, being more particularly described as the West ½ of Lots 3 and 4 of Block Numbers 5, 6, 15, 16, 25, 26, 35, 36, 45, 46, 55, 56 and 63. Cemetery markers used in these sections of these cemeteries are restricted to bronze markers, or bronze markers with a granite base, which, after installation, are flush with ground level. Single markers shall be limited to a minimum size of 22" x 14" with a maximum size of 24" x 14". Family and double grave markers in these sections shall be limited to a minimum size of 44" x 13" and a maximum size of 44" x 14", corner markers 4" x 4"; however, infant and veterans markers of differing size may be approved for installation by the cemetery superintendent. In the event the City of Louisville, Mississippi, is required to place a marker pursuant to Section 22, the marker may be 6" x 6". No other type of marker shall be permitted or allowed. All cemetery markers described in this section shall be installed by the City of Louisville. All markers shall be installed at no charge. All markers must be first delivered to the office of the City Clerk, City of Louisville, for inspection by the cemeteries superintendent to determine that all specifications of the

Ordinance have been met and to pay for perpetual maintenance set forth above. Such markers will then be installed by the City of Louisville.

Section 21: That a fee is herewith established, and that the City Clerk is authorized and directed to collect such fee, for the perpetual maintenance of all cemetery lots sold by the City of Louisville, Mississippi. The fee for perpetual maintenance shall be Three Hundred and 00/100 Dollars (\$300.00) for graves. This fee may be adjusted by Order of the Mayor and Board of Aldermen. Thirty Percent (30%) of said fee received for perpetual maintenance will be deposited into a perpetual care fund with the interest being used for maintenance and care of the cemetery and the use of the corpus being prohibited. The remaining fees for perpetual maintenance collected under the provisions of this section shall be deposited by the City Clerk into the Cemetery Fund maintained by the City of Louisville and shall be used solely for the maintenance, upkeep and capital improvements in these cemeteries.

Section 22: A marker shall be placed on each grave within one (1) year of interment. In order to insure the placement of a marker, a deposit of one hundred twenty-five dollars (\$125.00) will be paid to and collected by the City of Louisville, Mississippi, at the time of the issuance of the Permit To Open/Close Grave. Upon purchase of a marker, the one hundred twenty-five dollar (\$125.00) deposit will be refunded by the City of Louisville, Mississippi. In the event a marker is not purchased within a year of interment, the City of Louisville, Mississippi, will be authorized to purchase and install a six inch by six-inch (6" x 6") name plate which gives the name of the deceased and year of death, and the one hundred twenty-five dollar (\$125.00) deposit will be forfeited to the City of Louisville, Mississippi.

Section 23: That failure to comply with any of the provisions of this Ordinance shall be a misdemeanor and any person found guilty of violating the provisions of this Ordinance shall, upon conviction, be fined not more than one thousand dollars (\$1,000.00).

Section 24: That this Ordinance shall become effective this the 1st day of March, 2019.

The above and foregoing was first reduced to writing, read and considered by section, then read and considered as a whole and adopted, with the Aldermen voting as follows: UNANIMOUS.

ADOPTED, this the 19th day of February, 2019. Approved: Will Hill, Mayor. Attest: Babs W. Fulton, City Clerk.
Minute Book 94, Page 211