

## ORDINANCE

[To Repeal City of Prattville Code of Ordinances Chapter 14 – Cemeteries in its Entirety and Replace with Chapter 14 – City Cemeteries, Sections 14.1 through 14.11, Inclusive.]

**WHEREAS**, the City Council of the City of Prattville adopted Ordinance Book 2019, Page 004, on March 19, 2019, which amended the City of Prattville Code of Ordinances Chapter 14 - Cemeteries; and

**WHEREAS**, the City has identified a need to restructure said chapter to promote public welfare and safety, preserve historical elements, and prevent the City's cemeteries from falling into disrepair and dilapidation.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Prattville, that Chapter 14, City of Prattville Code of Ordinances is hereby repealed and replaced as follows:

### **Chapter 14 – CITY CEMETERIES**

#### **Sec. 14-1. - Purpose.**

The City of Prattville (City) maintains two public cemeteries that provide space for depositing the remains of eligible deceased persons. In doing so, the City promotes public welfare, preserves a snapshot of our community's historical timeline, and prevents the cemeteries from falling into disrepair and dilapidation.

#### **Sec. 14-2. - Definitions.**

*Assigned Representative* – an individual who has invested and verifiable rights to a burial plot or columbarium niche.

*At-need* - services that are organized at the time of death, while death is imminent, or after the death of an individual, and are required immediately.

*Burial* - the placement of human remains in a grave or plot, also called interment.

*Burial Site* - the specific place and location for burying human remains.

*Cemetery* - a place established, maintained, managed, operated, or improved which is dedicated to and used or intended to be used for the permanent interment of human remains and their memorialization and could include land, a columbarium, a mausoleum, a vault, or any combination of one or more.

*Cemetery Designee* - the person designated by the mayor who is responsible for cemetery affairs.

*City Cemetery* - a cemetery owned, controlled, and maintained by a municipality.

*Columbarium* - a structure or building designed to be used for the inurnment of cremains.

*Coping* - using brick, marble, cement, or other materials to outline a single plot or lot.

*Cremains* - the ashes of a cremated human body.

*Deceased* – a human who is no longer living.

*Double-Depth Burial* - an in-ground interment of two casketed human remains.

*Engraving* - the act of writing on a memorial or grave marker.

*Exhumation* - the removal of the deceased from a burial plot.

*Footstone* - a flat memorial marker placed at the foot of a burial plot.

*Funeral Arrangements* - the completion of funeral service arrangements, cremation arrangements, and the financial details of a funeral at the time of death, including the collection of vital statistic information, death certificate information, obituary notice completion, completion of a statement of funeral goods and services selected, and the organizing of funeral and memorial services for families.

*Grave* - a specific and identifiable space of ground in a cemetery that is used or intended to be used for inground burial, also known as a plot.

*Grave Fence* - a fence surrounding a grave site, usually no more than 12 inches tall and constructed of wood, metal, or stone.

*Grave Marker* - a monument typically constructed of bronze or granite that marks the location and deceased occupant of a burial plot.

*Grave Offering* - an item left at a burial plot with the intent of remembrance or honor.

*Headstone* - a flat memorial marker placed at the head of a burial plot.

*Interment* - the burial of the deceased in the ground.

*Inurnment* - the burial of cremated remains in a receptacle and depositing it in a niche.

*Lot* - a group of plots that are part of a specific layout and location in a cemetery that is usually shared between family members.

*Mausoleum* - an external free-standing building constructed as a monument enclosing the burial chamber of a deceased person or people.

*Monument* - a headstone, footstone, or grave marker placed over or near a burial plot in memory of the decedent.

*Niche* - an above-ground, enclosed space that serves as the resting place for cremains, typically a square or rectangular compartment within a columbarium.

*Opening and Closing* - labor services performed to prepare a site, perform the interment or inurnment service, and restore the area ex-post.

*Plot* - a specific and identifiable space of ground in a cemetery that is used or intended to be used for inground burial, also known as a grave.

*Pre-need* - services that are arranged in advance of a death and contracted with prepayment.

*Scattering* - the lawful dispersion of cremains.

*Urn* - a container that holds cremains and is suitable for burial in a plot or placement in a niche.

**Sec. 14-3. - Location and burial types.**

Oak Hill Cemetery is located at 310 Wetumpka Street, Prattville, Alabama 36067.

Chapman Cemetery is located at 450 Water Street, Prattville, Alabama 36067.

The City shall maintain records of burial plots, lot locations, columbarium niches, and names of the deceased and their dates of birth and death if known. The City shall also maintain records of plot spaces sold, niches sold, and spaces available.

The City cemeteries allow:

- 1) Burial sites for interment. Unless otherwise noted, burial sites are 5-foot x 10-foot plots with burial depths set by industry standards.
  - a) Double-depth burial is allowed in most areas with vault installation required. The City makes no warranties or representations that a selected plot can be used for double-depth burial. The assigned representative agrees to hold the City harmless and the City be discharged from any liability concerning the occupying space of a plot.
  - b) Due to high groundwater in some areas, a vault is recommended but not required for single burials. However, a vault is required for double-depth burials. The City makes no warranties or representations that groundwater or the weight of settled soil will not impact the design of a casket or urn. The assigned representative agrees to hold the City harmless and the City be discharged from any liability concerning the viability of a casket or urn within a burial plot.
  - c) The placement of mausoleums, vaults, slabs, headstones, footstones, grave markers, coping, benches, grave fences, flag poles, etc., shall be pre-approved by the cemetery designee, documented, and fit within the deeded burial plot.
  - d) Cremains are allowed. No more than two sets of cremains will be permitted in one burial plot or a combination of one traditional burial and one set of cremains. The City makes no warranties or representations that a selected plot can be used for a combination burial. The assigned representative agrees to hold the City harmless and the City be discharged from any liability concerning the occupying space of a plot.
  - e) Pet remains and cremains shall not be buried in a City cemetery.
  - f) Scattering of cremains shall not be allowed in a City cemetery.
- 2) Columbarium for inurnment. Niches are the standard size of 12-inch x 12-inch x 12-inch.
  - a) Up to two sets of cremains will be allowed in a single niche, depending on the size of the container or urn. The City makes no warranties or representations that a second set of cremains will fit in a niche. The assigned representative agrees to hold the City harmless and the City be discharged from any liability concerning the occupying space of a niche.
  - b) Pet cremains shall not be placed in any columbarium niche at a City cemetery.

**Sec. 14-4. - Eligibility.**

It shall be unlawful for any person to deposit or bury the deceased in City cemeteries without notice to and consent of the person designated by the mayor as the cemetery designee and without having selected and paid for a plot or niche. The City reserves the right to take appropriate legal action when an unapproved interment or inurnment is discovered and substantiated, resulting in the forfeiture of a selected burial plot or columbarium niche and reimbursement of any incurred cost to remove the remains and restore the area to its state before interment or inurnment.

Funeral arrangements and services shall be completed by a provider licensed through the Alabama Board of Funeral Services. Interments and inurnments or the opening and closing of

a burial plot or columbarium niche shall only be conducted after notifying the mayor's office AND receiving written approval from the cemetery designee. Funeral directors, families, or assigned representatives shall contact the cemetery designee to verify burial rights, deeds, certificates, and locations. The cemetery designee shall verify and mark all locations, and confirmation will be returned to the requesting entity to proceed.

Placement of mausoleums, vaults, slabs, headstones, footstones, grave markers, coping, benches, grave fences, flag poles, etc., shall only be conducted after notifying the mayor's office AND receiving written approval from the cemetery designee. Funeral directors, monument companies, families, or assigned representatives shall contact the cemetery designee to approve aspects of memorials and settings and their locations. The cemetery designee shall verify and mark all locations, and confirmation will be returned to the requesting entity to proceed. The assigned representative should consult the lawful deed for any pre-determined exclusions.

Marking forms are available on the City's website or by contacting the mayor's office. Markings will not be scheduled during City-designated holidays.

Any cemetery research will be billed at the rate of \$30.00 per hour after the first 30 minutes. Research fees must be paid in full before the release of research information.

**Sec. 14-5. - Funeral escorts.**

Pursuant to §11-47-64, *Code of Alabama*, 1975, as amended, no person shall stop, stand, or park a vehicle within an intersection except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device. Funeral Home vehicles DO NOT have the authority to stop normal traffic flow, block intersections, or disobey traffic signals while overseeing funeral processions.

In the City's commitment to honor hometown traditions and to ensure a safe and organized journey for the deceased and their families and friends, the City of Prattville Police Department provides funeral escorts within the Corporate Limits to cemeteries located in Prattville at no cost. Funeral Homes should contact the police department on weekdays, 48 hours before a funeral, to schedule a police escort.

**Sec. 14-6. - Interment regulations.**

- 1) Plots will be sold on a pre-need or at-need basis.
- 2) The rate charged for a burial plot shall be \$1,000.00 per plot for any sold from the effective date of this policy, giving the owner a deed for the selected plot.
- 3) The rate charged for a Transfer of Deed shall be \$25.00 per burial plot for any transfer from the effective date of this policy, giving the qualified and eligible assignee a deed for the selected plot.
  - a) For this section, a qualified and eligible assignee is defined as a living person, eighteen years of age or older, who is the deed holder's direct relative or spouse.
  - b) In the event of a deed holder's death, all remaining vacant plots shall revert to the beneficiary named in a probated will. If the deed holder did not execute a will, all remaining deeded plots shall revert to the rightful surviving heir in descending order under the Alabama laws of intestate succession and distribution to inherit the estate of the decedent (1. spouse, 2. child, 3. grandchild, 4. parent, 5. sibling, 6. grandparent, 7. appointed guardian).
  - c) The City is not responsible for contacting or independently investigating the existence of an heirship or a decedent's relatives and relies upon the information and affidavit submitted with any request for a deed transfer. Thus, the City makes no warranties or representations that the information received is accurate, and the City shall be held harmless of any claims otherwise.
  - d) The deed holder is responsible for any fees necessary to remove the remains of the deceased for disinterment at any time.
- 4) A deed holder shall not sell any burial plot without first offering it to the City at the original purchase price, as the City retains the option to buy back the plot before the deed holder sells it to any other individual who is not categorized as a qualified and eligible assignee.
- 5) The fee for marking burial plots shall be \$100.00 per plot from the effective date of this policy.
- 6) The fee for marking the placement of any mausoleums, vaults, slabs, headstones, footstones, grave markers, coping, benches, grave fences, flag poles, etc., shall be \$100.00 per plot or lot from the effective date of this policy.

- 7) Military headstones, markers, and plaques shall be allowed when approved and received through the United States Office of Veterans Affairs VA Form 40-1330 and coordinated by the cemetery designee.
- 8) The City shall not be liable for ensuring the identity of the person whose remains are sought to be interred.
- 9) In the event of total capacity, the City shall maintain a waiting list for burial plots.

**Sec. 14-7. - Inurnment regulations.**

- 1) Niches will be sold on an at-need basis.
- 2) The rate charged for a columbarium niche shall be \$1,500.00 per niche for any sold from the effective date of this policy, giving the owner a certificate of rights to conduct no more than two inurnments for one niche.
  - a) Cremains must be encased in a plastic container or an urn that fits in a 12-inch x 12-inch x 12-inch niche, sealed to prevent discharge in the event of an accidental tip-over, and engraved or otherwise printed with the deceased's name.
- 2) The rate charged for a niche shall include verifying and marking the niche location, engraving the niche cover, and placing a temporary niche cover during engraving if needed.
- 3) To ensure uniformity, the cemetery designee shall coordinate the engraving of the niche cover exclusively with the City's chosen vendor.
  - a) A niche cover shall only include the name of the deceased, birth year, and death year.
- 4) A veteran medallion may be affixed to any eligible niche cover when approved and received through the United States Department of Veterans Affairs Form 40-1330M and coordinated by the cemetery designee. The medallion size shall not be larger than 2 inches wide x 1½ inches high x 1/3 inches deep (categorized as a "small" medallion on VA Form 40-1330M).
- 5) The City shall not be liable for ensuring the identity of the person whose cremains are sought to be inurned.
- 6) The fee for replacing a niche cover if cremains are removed during an approved relocation process is \$500.00 from the effective date of this policy.

**Sec. 14.8. - Exhumation or relocation of remains.**

Pursuant to §11-47-64 and §11-47-65, *Code of Alabama*, 1975, as amended, it shall be unlawful to exhume, relocate, and remove remains or cremains initially located at City cemeteries without following established guidelines adopted by the State Board of Health. Voluntary removal of remains by a relative of the decedent or by deed owner of the burial plot shall be accomplished through the affidavit process prescribed in the code stated above.

**Sec. 14.9. - Grounds maintenance.**

The City enlists the Urban Management Division of the Public Works Department (maintenance crews) to protect, maintain, and adequately care for City cemeteries, thereby preserving the character and heritage of these areas with the utmost dignity and respect. Citizens should contact the cemetery designee to report issues or areas of concern at City cemeteries or place a work order with the Public Works Department.

- 1) Unauthorized groundwork, grading, leveling, or excavating upon a burial plot or columbarium site in City cemeteries shall not be allowed without the permission of the cemetery designee.
- 2) No planting of trees, shrubs, sod, or invasive flowers shall be allowed in City cemeteries.
- 3) The City reserves the right to direct the removal or trimming of any tree, plant, shrub, or other plantings located at City cemeteries to maintain proper appearance, safety, and use of the cemeteries. The City will make diligent efforts to advertise removal assignments in advance.
- 4) The City has the discretionary authority to trim and remove all existing trees, shrubs, and plantings that have become unsightly, overgrown, cause a health or safety hazard, or encroach on an adjacent burial plot or columbarium. Hence, no unauthorized trimming, pruning, or removing of a branch from any tree or shrub or cutting grass at City cemeteries is permitted except under the supervision of the cemetery designee.
- 5) The City's maintenance crews may, at any time, enter a burial plot or lot and columbarium sites to keep them neat and clear of grass, weeds, wilted flowers, insects, and debris. The City's maintenance crews reserve the right to remove any artifacts, decorations, and grave offerings from burial plots (i.e., artificial flowers, stuffed animals, ribbons, dead plantings, benches, knick-knacks or statues) that are determined to be unsightly or faded and present a safety hazard or detriment to the natural beauty of City cemeteries. Furthermore, the City's maintenance crews reserve the right to use their discretion to determine ease of maintenance. Semi-annual cleanup days will be scheduled and advertised on the City's website.

- 6) The City's maintenance crews are responsible for repairs to the columbarium at City cemeteries while taking reasonable care to ensure the safety of its contents. However, the City will not be held accountable for the loss or destruction of inurned cremains due to vandalism, acts of nature, or unforeseen circumstances. Furthermore, the City shall not willfully take any action or fail to do any act resulting in the loss, destruction, or desecration of any cremains in niches.
- 7) Grave offerings shall not be allowed at columbarium sites at City cemeteries but may be left inside niches during the inurnment ceremony as space permits.
- 8) Grave offerings left at a burial plot or lot must be permanently attached to the headstone. All flowers, planted or artificial, mementos, benches, statues, lights, shepherd hooks, etc., must be placed directly to either side and in line with the headstone to not interfere with the direct line of maintenance equipment.
- 9) The City's maintenance crews will not be responsible for lost, misplaced, or damaged items.

**Sec. 14.10. - Personal conduct and security.**

All persons entering City cemeteries are expected to conduct themselves according to customary good decorum and follow established rules. Per state and local laws, the City shall have the right to prosecute any unlawful acts or ordinance violations.

- 1) It shall be unlawful for any person without proper authority to enter, remain, or be present in a City cemetery between one hour after sunset and one hour before sunrise. A violation could constitute criminal trespass in the second degree, a Class C misdemeanor.
- 2) It shall be unlawful for any person to willfully or maliciously damage, deface, remove, or destroy any burial plot, monument, gravestone, container of human remains, memorial to the deceased, or any grave fence or enclosure, or willfully destroy, remove, cut, break or injure any tree, shrub or plant within the enclosure of a City cemetery. A violation could constitute desecration of venerated objects, a Class A misdemeanor.
- 3) It shall be unlawful for any person to willfully or maliciously injure, mutilate, or destroy a human corpse or any remains of the deceased within the enclosure of a City cemetery. A violation could constitute invasion or mutilation of a corpse, a Class C felony.

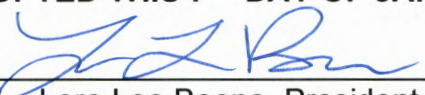
**Sec. 14-11. - Protection against loss.**

The City may carry such insurance for its benefit upon its cemeteries and their contents as it sees fit. However, the City is not obligated to provide insurance for the benefit of deed or certificate holders.

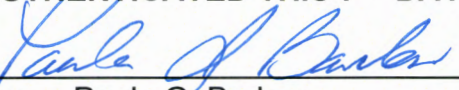
**THIS** Ordinance shall become effective upon its passage and execution as provided by law. All Ordinances, or parts of Ordinances, in any manner conflicting herewith are hereby repealed.

**THE** provisions of this Ordinance are severable. If any portion of this Ordinance is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

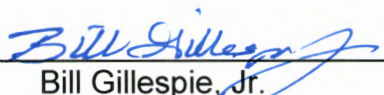
**ADOPTED THIS 7<sup>TH</sup> DAY OF JANUARY, 2025.**

  
 By: Lora Lee Boone, President  
 Prattville City Council

**AUTHENTICATED THIS 7<sup>TH</sup> DAY OF JANUARY, 2025.**

  
 By: Paula G. Barlow  
 City Clerk

**APPROVED:**

  
 By: Bill Gillespie, Jr.  
 Mayor