

ORDINANCE 2018-01

TOWN CEMETERIES

WHEREAS, the Town of Triana has an ordinance and amendments in place for the purpose of establishing policies, procedures, and regulations as it pertains to cemeteries within the Town of Triana; and

WHEREAS, the Town Council wishes to repeal Ordinance 2002-01 as amended in its entirety and establish this Ordinance for the purpose stated herein.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Triana, Alabama as follows:

Section 1.1 Designation of Town Cemeteries.

The grounds, lots, parcels of land, fences, walls, and gates surrounding the properties known and designated as the Triana Cemetery, Cedar Grove Cemetery, and Lakeside Cemetery are hereby designated and officially named Town Cemeteries. No interment of the remains of any person shall be made within the Town in any other place than within the grounds of said cemetery.

Section 1.2 Lots to be under control and regulation of Town.

The Town shall, at all times, regulate, and control the lots, as well as other properties in the Town Cemeteries, and order that all properties in said Cemeteries shall be properly maintained as such.

Section 1.3 Size of lots, etc.

Coffin Lots The grounds or lands within the cemeteries of the Town shall be laid off in lots of rectangular form measuring (10) feet by (20) feet.

Urn Lots The Town may also lay off lots in rectangular form measuring (10) feet by (5) feet intended for burial of up to two urns at a depth of at least (4) feet.

The Town Council shall have the authority to lay off any such lots in any manner which it shall determine feasible or desirable.

Section 1.4 Price of lots and designation of funds.

The price of coffin lots in the Town Cemetery, which shall include the cost of opening and closing the graves, shall be \$1000.00

The price of urn lots in the Town Cemetery, which shall include the cost of opening and closing the graves, shall be \$500.00

The Town Clerk/Treasurer shall deposit the proceeds into the General Fund Burial Fees Account. Burial fees collected by the Town shall be reserved for opening and closing graves, bond fees for grave diggers, and expenses related to maintenance and operations of the Town Cemeteries (e.g. landscaping, signage, surveying, mapping, fertilizing, tree services, fencing, utilities, etc...).

The Town Council may at their discretion waive the cost of a lot intended for interment of members of the Armed Services of the United States who were killed in action and entered the Armed Services with a Home of Record or Place of Entry listed as the Town of Triana.

Further the Town Council may at their discretion waive the cost of a lot intended for interment of duly sworn Triana Police Officers or duly sworn Triana Firefighters killed in the line of duty.

Section 1.5 Pre-payment of lots.

Persons may pre-purchase lots under an installment plan not to exceed twenty installments. However, no body shall be interred unless the plot is paid for in full.

Section 1.6 Requirement to erect permanent monuments within 90 days, installation on pre-paid lots.

It is a requirement that the purchaser of a cemetery lot in the Town Cemetery install or place a permanent marker containing the name of the person buried there, the year of the person's birth and the year of death, within 90 days of interment of any person. The Town reserves the right to remove any temporary markers from plots marked with permanent monuments. Permanent markers shall be no smaller than 28 square inches and constructed of stone or metal or a combination thereof.

Purchasers may install permanent markers leaving blank the year of death on pre-purchased lots in advance of interment only after the lot is paid in full. Exception: A shared permanent marker may be installed between adjoining spousal plots within 90 days of the burial of one spouse provided that the adjacent plot for the living spouse is under an installment plan with a minimum of \$200 down payment.

The Mayor (or designee) shall notify the Town Council when permanent monuments are not erected more than 90 days past interment. The Town Council may at its discretion purchase and erect permanent markers on temporarily marked or unmarked burial plots more than 90 days past interment. The cost shall not exceed \$200.00 and the cost shall be billed to the purchaser of said lot.

Section 1.7 Conveyance of lots to purchasers.

When a purchase is made of a lot in a Town Cemetery, and after payment has been made in full therefor, the Mayor and the Town Clerk-Treasurer, for and on behalf of the Town, shall make a conveyance to the purchaser, the same to be substantially in the form shown in Appendix A.

Section 1.8 Death certificate required for interment.

No interment shall be made in the cemetery, nor any vault installed therein, unless a proper certificate or information in writing is furnished to the Town Clerk, showing the name and residence of the deceased, and the time and place of death.

State law reference: Permit from register of vital statistics required, Code of Ala. 1975, 22-19-3; death certificate required, Code of Ala. 1975, 22-9-70.

Section 1.9 Time for burials.

No interment of human bodies shall be made in the cemeteries of the Town after sundown, or before sunrise, without written permission therefor duly submitted to and approved by the Mayor.

Section 1.10 Depth of graves, scattering of ashes, etc.

No grave for interment of human bodies, or urns containing ashes in the cemeteries of the Town shall be less than four (4) feet deep. No urns shall be buried except in purchased lots.

The Mayor may authorize at no cost, the scattering of ashes upon forested, town-owned lands.

Section 1.11 Number of interments per grave.

Only one interment will be allowed in any grave, except in cases of mother and infant child, or twin children.

Section 1.12 Permission for disinterments.

No body shall be disinterred in the Town or police jurisdiction thereof, except by written permission of, and under precautions prescribed by, the health officer.

State law reference: Authorization for disinterment and reinterment required Code of Ala. 2006, 22-19-3; death certificate required, Code of Ala. 1975, 22-9A-16(g).

Section 1.13 Prohibited decorations and items.

1. No trees or shrubberies will be allowed to be planted by a burial lot owner, or any person, except a duly authorized agent or servant of the Town under the direction of the Town Council.
2. No food or alcohol, or any liquid shall be left upon the grounds of the Town Cemeteries regardless of container.
3. No lighting shall be installed upon any burial plot.

The Town reserves the right to remove any prohibited decorations or plantings and discard the same without further notice.

Section 1.14 Removal of worn, faded, tattered decorations and decaying plants.

The Town reserves the right to remove any decorations, plants, or flowers which in the sole opinion of the Town have become worn, faded, decayed, broken, or tattered.

Section 1.15 Hours of Operation.

The Town Cemeteries shall be open from 30 minutes prior to sunrise and close 30 minutes following sunset.

Section 1.16 Effective date.

The effective date of this ordinance shall be sixty days following passage.

APPROVED and ADOPTED this 8th day of January, 2018.


MARY CAUPLE, MAYOR

ATTEST:


SHARRON HUMPHREY, CLERK

APPENDIX A. CONVEYANCE OF PLOTS

**STATE OF ALABAMA
COUNTY OF MADISON**

"IN CONSIDERATION of the sum of _____ Dollars, the Town of Triana does hereby grant to _____, the following described burial lot or plot in the Triana Cemetery, to wit:

DESCRIPTION OF PLOT:_____

TO HAVE AND TO HOLD unto the said PURCHASER and unto PURCHASER heirs and assigns, with the perpetual right and authority to use the same for burial purposes for human bodies only. The Town of Triana, however, reserves the right from time to time to regulate and control the herein above granted premises, as well as other properties in the NAME OF CEMETERY, in order that all properties in said cemetery shall be properly maintained as a Town Cemetery.

"PURCHASER has been provided a copy of Town of Triana Ordinance 2017-05 and acknowledges their responsibility to "install or place a permanent grave marker containing the name of the person buried there, the year of the person's birth and the year of the person's death, within 90 days of interment of any person. PURCHASER acknowledges that they bear the responsibility to install, or contract to be installed said permanent grave marker. Further, the PURCHASER assumes the risk of minor wear and tear to permanent grave markers arising from the Town of Triana maintaining the cemetery grounds and agrees to hold the Town of Triana harmless for said minor wear and tear. Additionally, PURCHASER acknowledges that settling of the plot may occur over time and PURCHASER shall bear the responsibility of releveling or resetting monuments if so desired."

IN WITNESS WHEREOF, this instrument has been signed by the Mayor of the Town of Triana, Alabama, and attested by its Clerk as and for the act of said Corporation on this, the _____ day of _____, _____."