

CHAPTER 24: MUNICIPAL CEMETERIES

Section

24-101	Management and Supervision
24-102	Superintendent of Municipal Cemeteries
24-103	Purchase and Conveyance of Lots
24-104	Rules for Interment
24-105	Restrictions on Use
24-106	Regulations in General



Section 24-101 Management and Supervision

The Mayor and Council shall, for the purposes of this chapter have the responsibility of ensuring the proper performance of the following duties:

1. The proper care of all municipal cemeteries and the enforcement of the provisions of this chapter so that no lot in the new portion of the City of Bowman cemetery is used or occupied in violation of this chapter or of any rule or regulation promulgated by the mayor and council.
2. The maintenance of full and detailed accounts of the receipts and expenditures on account of municipal cemeteries, and the delivery to the city treasurer of all monies collected by the mayor and council on such accounts.

Section 24-102 Superintendent of Municipal Cemeteries

1. The sale of lots in the City of Bowman cemetery shall be as follows:
 - A. Two-grave lot: \$70.00 for residents of the City of Bowman; \$100.00 for non-residents of the City of Bowman.
 - B. Four-grave lot: \$140.00 for residents of the City of Bowman; \$400.00 for non-residents of the City of Bowman.
 - C. Six-grave lot: \$210.00 for residents of the City of Bowman; \$600.00 for non-residents of the City of Bowman.
 - D. Eight-grave lot: \$280.00 for residents of the City of Bowman; \$800.00 for non-residents of the City of Bowman.
2. **Method of Purchase.** Any person desiring to purchase an easement in a particular lot or lots, for the purpose for which it is intended, shall be permitted to do so upon payment in full of the price fixed for such lot, or upon making arrangements for the purchase of such lot or lots on the following installment plan: Twenty (20) percent of the purchase price down and the balance in monthly payments equal to ten (10) percent of the sale price until paid in full; provided however, that the deeds to lots purchased on the installment plan shall not be delivered until the purchase price as paid in full. In the event of default in making installment payments which shall continue for more than six (6) months, the city reserves the right to resell unused portions of lots, or to declare all rights and title to lots forfeited, or to remove bodies interred therein to other locations selected by the city.
3. **Manner of Conveying.** Conveyances of burial lots shall be executed in the name of the city by the mayor and city clerk and have affixed thereto the seal of the city. Such conveyances shall not convey fee simple title, but shall convey to the purchaser of each burial lot an easement for the exclusive right shall state the maximum number of graves and, by reference therein made, shall convey each lot subject to all the provisions of this chapter as fully as if set out in each such conveyance; provided however, that nothing herein is intended to affect existing property rights in municipal cemeteries, but shall apply only to conveyances made on and after the effective date of this chapter.

4. **Recordation of Deed.** At the time the city conveys any burial lot, the city clerk, in addition to collecting the purchase price thereof, shall collect from the purchaser an amount sufficient to have such conveyance recorded in the Office of the Clerk of the Elbert County Superior Court, and shall have such conveyance so recorded before delivery thereof to such purchaser. No sale or transfer of any burial lot or any right therein, nor subdividing of any burial lot by any purchaser or those claiming under him, shall be valid unless approved in writing by the city or until the deed of transfer and such written approval are recorded in the Office of the Clerk of the Elbert County Superior Court.
5. **Records of Ownership.** The department shall keep full and complete records of the ownership of all lot easements in the municipal cemeteries, of the burial capacity of each lot, of the location of each grave, of the names and ages of the persons buried in each grave that has been buried or shall hereafter be used, and of the date of burial of each.
6. **Sale or Transfer by Owner.** Owners of lots shall not be permitted to sell or transfer lots without the written consent and approval of the mayor and counsel, and no lots may be acquired solely for resale. All conveyances executed by the city after the effective date of this chapter shall contain a clause reserving to the city the right of first refusal to repurchase the interest conveyed by such conveyance in the event the grantee subsequently desires to offer the same for sale.

Section 24-103 Purchase and Conveyance of Lots

The following rules of interment shall be as follows:

1. No deceased person shall be interred in any municipal cemetery until the mayor and council has found:
 - A. That the person arranging for such burial has the right to use of such lot;
 - B. That such lot is not used beyond its capacity, and
 - C. That proper record is made of the name and age of the deceased person and of the exact location of the grave.
2. No interment shall be permitted until the mayor and council has determined that a legal burial permit has been issued.
3. All vaults shall be buried to a minimum depth of twelve (12) inches measured from the top of the vault to the finished grade of the closed grave.

Section 24-104 Rules for Interment

The city shall provide generalized care of the walks, drives, and common areas of the cemetery, and shall provide reasonable specialized care for the burial lots to the extent practicable, but such care shall not include watering of lawns nor maintenance of memorials. Unusual maintenance or care required on burial lots because of topography or approved copings, furnishings, plantings or enclosures may be the subject of special charges approved by the mayor and council.

Section 24-105 Restrictions on Use

1. **Vaults.** Interments shall be made in steel or concrete vaults, and the use of wooden vaults shall not be allowed in municipal cemeteries.
2. **Enclosures.** No curbing, fencing or enclosure of any sort shall be erected on, in, or around any burial lot unless the plans therefor are approved in writing in advance by the mayor and council. There will be no coping or lot boundaries; and all corner posts and foot markers shall be at or below ground level.
3. **Plantings.** The planting of flowers and shrubs or any other effort to improve or beautify any lot within a municipal cemetery shall be done only after the plans for such work shall have been submitted to and approved in writing by the mayor and council. Nothing herein contained shall be construed to prohibit the decoration or adornment of any grave site with potted or cut flowers or plants.
4. **Mounds.** No grave mounds will be permitted in municipal cemeteries.

Section 24-106 Regulations in General

1. **Erection of Memorials.**
 - A. No memorial may be placed in the cemetery until the seller, owner, or donor thereof has furnished to the city, on a form to be furnished by the city, the information below, and until the city has issued an approved permit for the erection of such memorial;

- (1) Lot and grave numbers or other designation.
 - (2) Trade name of material.
 - (3) Name of quarry and manufacturer.
 - (4) Inscriptions and family name.
 - (5) Sketch of proposed memorial, showing size, type and location of all lettering and carving.
 - (6) A certificate properly executed setting forth the memorial is free from sap, foreign substance or flaws which will cause stains, discoloration, checks, or cracks; provided however, that artificial coloring may be utilized in the lettering or design of a memorial and such certificate need not relate to any such artificial coloring.
- B. The permit required for the erection of any memorial or unit in the cemetery shall be obtained in advance of beginning work from the city clerk or mayor and council. This charge for each permit shall be five (\$5.00) dollars.
 - C. The city reserves the right to refuse or prohibit the erection of, as well as to remove, any marker, monument or mausoleum erected after passage of this chapter, if in the sole judgement of the city such memorial is not in compliance with the intent of the rules and regulations prescribed herein.
2. **Foundations for Memorials.**
 - A. A suitable foundation to be prescribed by the city will be required for all markers, monuments, or mausoleums placed in municipal cemeteries.
 - B. No foundation will extend higher than one inch below the lowest point of the finished grade of the lot, and shall be a minimum of four (4) inches wider than the base of the monument or memorial on all sides.
 3. **Mausoleums.**
 - A. Mausoleums will be erected only on lots approved for that purpose by the city.
 - B. No mausoleum shall be erected until a blueprint or scale drawing together with complete specifications have been approved by the city, and until other applicable requirements of this chapter are met.
 4. **Specifications for Memorials.**
 - A. **Material.** All memorials shall be constructed of only first-quality granite or marble. The certificate prescribed in section 24-106(1)(A)(6) above shall be required for all memorials placed in any section of the cemetery.
 - B. **Size.** Generally, the following criteria shall be observed in determining the permissible size of the memorial.
 - (1) The front face area of a monument shall not exceed fifteen (15) per cent of the square foot area of the lot, but shall be equal to at least twice the front area of the accompanying base stone.
 - (2) The thickness of a monument shall be at least (8) inches, provided that a thickness of six (6) inches for a part of a monument will be permitted if two (2) or more dowel pins are used to firmly attach such part.
 - (3) Except for monuments of special design, monuments placed on four (4) and six (6) grave lots shall have a minimum base size of fourteen (14) inches by fifty-four (54) inches, and a minimum height including base of twenty-four (24) inches and; and monuments placed on eight (8) and ten (10) grave lots shall have a minimum base size of fourteen (14) inches by sixty (60) inches, and a minimum height including base of twenty-four (24) inches.
 - (4) Minimum length for single markers shall be twenty (20) inches; maximum length shall be thirty (30) inches. Maximum length for double markers shall be forty-eight (48) inches.
 - (5) Minimum width for markers shall be twelve (12) inches; maximum width shall be eighteen (18) inches.
 - (6) All individual grave markers will be set flush with the ground level, provided that in the older section of the cemetery the mayor and council may waive the general criteria and allow memorials which generally conform with those already erected.
 - C. **Finish.** In the restricted section of the cemetery, the front and back of all monuments must be finished alike in either a polished, steeled, axed, or stippled finish, provided however, that tills regulation shall not apply to carving or lettering. Tops of all monuments must also be finished and not left with rock pitch or other rough surfaces exposed.
 - D. **Lettering.** The size of lettering on monuments shall be commensurate with the size and in keeping with the design of the monument. Relief lettering will not be permitted on flush markers.
 5. **General requirements.**

- A. Only one monument will be allowed on any one lot. Only one marker will be allowed for any one grave.
- B. The locations of memorials on lots must be approved by the mayor and council.
- C. The city shall not be financially responsible for any loss or damage to any memorial caused by thieves or by windstorms or any other act of God or the common enemy.

(Adopted 11/2/81)