

**ORDINANCE NO. 2014- 11**

**ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PHENIX CITY, ALABAMA, CHAPTER 7 – CEMETERIES, BY REPLACING SECTIONS 7.1 THROUGH SECTION 7.7 AND DELETING SECTION 7.8.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PHENIX CITY, ALABAMA** that the Code of Ordinances of the City of Phenix City, Alabama, Chapter 7- Cemeteries, Section 7-1. Place of burial; Section 7-2. Fees for burial in city cemeteries; disposition; Section 7-3. Superintendent of cemeteries; Section 7-4. Injury, etc., to cemeteries; Section 7-5. A Care Program for cemeteries; Section 7-6. Interment; Section 7-7. Speed of vehicles and area to be traveled by vehicles are hereby amended to read as set forth below:

**Sec. 7-1. Place of Interment**

It shall be unlawful for any person to bury their dead on private premises, yards, back lots, or any other public place within the corporate limits of the city or the police jurisdiction thereof, except in an established cemetery used by the public for interment.

**Sec. 7-2. Right to Interment**

All interments must be permitted by the City of Phenix City. It shall be unlawful to bury any person in a cemetery owned and maintained by the City of Phenix City without an interment permit. No grave shall be dug prior to required interment permit fee being paid to the City. Any person or persons conducting a burial without an interment permit will be subject to a fine of not less than \$500.00. The purchase of an interment permit guarantees the right to bury on a designated lot; however, the purchase of a permit does not constitute ownership of said lot.

**Sec. 7-3. Fees for Interment and Allocation of Funds**

- (A) A schedule of permit fees for all interments required under this ordinance shall be established by a separate resolution by the City Council of the City of Phenix City, Alabama.
- (B) The fees collected by the City for interment permits shall be used for upkeep and improvements to the City cemeteries.

**Sec. 7-4. Cemetery Division**

There is hereby established for the City of Phenix City, Alabama a Cemetery Division whose duties shall be the enforcement of all city ordinances relating, in any way, to the cemeteries in the City of Phenix City, Alabama.

It shall be the further duty of the Cemetery Division to have the general supervision and custody of the care and maintenance of the City cemeteries in its control and to require written

proof of prior payment of any fees due to the Engineering/Public Works Department for interment permits before allowing any grave to be dug in a city cemetery.

#### **Sec. 7-5. Interments and General Restrictions**

All interments or disinterments will be made under the direction of the Cemetery Division and conducted by a licensed Funeral Home or service.

Only one interment is permitted per grave with an exception for an adult and infant.

Two infants less than six months of age may be buried in one space, either in separate caskets or in the same casket.

Two cremation burials may be buried in one space with two markers allowed. Scattering of ashes is not permitted.

Adult graves must be a minimum of 3 feet 6 inches wide x 8 feet long x 4 feet 6 inches deep.

Child or infant graves must be a minimum of 2 feet wide x 4 feet long x 4 feet deep.

Cremation graves must be a minimum of 2 feet wide x 2 feet long x 4 feet deep.

All interments must be enclosed in a standard reinforced concrete, metal or heavy duty polypropylene vault.

Soil placed in the grave must be compacted in such a fashion as to inhibit settling and sink holes.

Excess dirt must be removed from the grave site after the grave has been closed.

Grave mounds will not be allowed with all graves being flush with the existing ground. Exposed vault tops are prohibited.

One week after the grave has been closed, the City will remove any flowers or other ornamentals and place sod on the grave site.

The City of Phenix City does not provide any services related to burials such as, but not limited to, tents or chairs.

All graves must be marked with one marker. Two markers will be permitted for the burial of two infants interned in the same grave.

Only marble, granite or bronze markers are allowed.

Markers must not be larger than 24"x18" including a vase or smaller than 6"x6" and be set on a concrete foundation 4" or more into the ground and in line with other markers. The Cemetery Superintendent will assist with the placement of markers. If any marker, effigy, structure,

inscription or other object placed upon any lot is determined to be offensive, the Cemetery Division has the right to remove said items.

The City is not responsible for the theft or vandalism of markers or any other item at the place of interment.

The City of Phenix City will use all necessary precautions in maintaining City cemeteries, but will not be held responsible for scratches or other marks that may occur during cemetery maintenance.

No fences, walls or signs of any type are allowed around lots or graves.

Only one flower arrangement is allowed per lot. Flower receptacles made of plastic, wood, glass or metal are prohibited.

#### **Sec. 7-6. Damage, etc., to Cemeteries**

It shall be unlawful for any person to cause damage or harm to any grave, cemetery marker, boundary or interior fence, and landscaping associated with city cemeteries. Vehicles must remain on designated driveways with no exceptions. Any person or persons found in violation of the above stated acts are subject to a fine of not less than \$500.00.

#### **Sec. 7-7. Entry between sunset and sunrise**

It shall be unlawful in any event for any person to enter or attempt to enter any cemetery between sunset and sunup, whether or not such cemetery is enclosed, without the written permission of the Cemetery Division.

#### **Sec. 7-8. Speed of Vehicles and Area to be Traveled by Vehicles**

The automobiles or other vehicles shall not be allowed to proceed at a greater speed than ten (10) miles per hour when within the cemetery bounds. Such vehicles shall not turn around in the driveways but must continue to the next street intersection before turning. All vehicles shall remain at all times within the confines of established driveways.

**BE IT FURTHER ORDAINED** by the City Council of the City of Phenix City, Alabama that Section 7.8. Removal of excess dirt from grave site area is hereby deleted from this Chapter of the Code of Ordinances.

Any ordinance heretofore adopted by the City Council of the City of Phenix City, Alabama which is in conflict with this ordinance is hereby repealed to the extent of such conflict.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

This ordinance shall take effect upon passage thereof.

**PASSED, APPROVED AND ADOPTED** this 1st day of July, 2014.

*Eddie N. Lorne*  
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MAYOR

*J. Bell*  
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*Spil N. Head*  
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*Arthur L. Payne*  
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MEMBERS OF THE CITY COUNCIL OF  
THE CITY OF PHENIX CITY, ALABAMA

ATTEST:

*W. G. J.*  
\_\_\_\_\_  
CITY CLERK

**CITY OF PHENIX CITY  
ENGINEERING AND PUBLIC WORKS DEPARTMENT**

**P.O. DRAWER 279  
PHENIX CITY, ALABAMA 36868-0279  
PHONE (334) 448-2760  
FAX (334) 291-4848**

**MEMORANDUM**

**TO:** Wallace B. Hunter, City Manager *W B Hunter*  
**FROM:** Angel Moore, City Engineer  
**DATE:** June 11, 2014  
**RE:** Amended Cemetery Ordinance

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Due to the recent acquisition of a number of cemeteries, an update to the current Cemetery Ordinance is required. Attached is the proposed amended Phenix City Cemetery Ordinance, which has been updated in its entirety.

If you concur, please place the attached resolution on the next Council agenda. If you have any questions, please let me know.

cc: Charlotte Sierra, City Clerk  
File