CITYOF BESSEMER

HILLCREST CEMETERY

CEMETERY RULES

Effective July 1, 2003

Revised – July 1, 2013

Revised – April 23, 2015

Revised – October 31, 2017

Revised – February 19, 2018

Revised – February 4, 2019

INTRODUCTION

The City of Bessemer hereby establishes these rules and regulations for the purpose of insuring quality services in the Hillcrest Cemetery. The cemetery is considered sacred ground and must be treated as such. All lot owners and visitors are subject to these rules and regulations. The City reserves the right to adopt additional rules or amend, alter, or repeal any rule or regulation or parts thereof at any time.

GENERAL RULES

1. The cemetery is neither a park nor a playground and should not be treated as such.

2. Prohibited within the cemetery are the following:

   a. domestic animals
   b. firearms
   c. alcoholic beverages
   d. snowmobiles
   e. all terrain vehicles
   f. advertising of any kind
   g. the dumping of refuse or similar material
   h. the erection and placement of any fences, decorative rock, gravel, mulch, etc.
   i. children under the age of 16 unless accompanied by supervising adults

3. The speed limit in the cemetery is 10 mph.

4. Faucets are furnished by the City expressly for the use of lot care and the watering of shrubs and flowers only.

5. Visitors are permitted in the cemetery between sunrise and sunset only.

6. No person may use boisterous or profane language, or in any other way disturb the peace, quiet, and good order of the cemetery.

7. No person may drive upon any lots or upon any lawns, or haul any heavy loads in the cemetery without permission from the sexton.

8. Persons within the cemetery shall use only the avenues, roads, walks and alleys, and no one is permitted to walk upon or across lots or lawns unless it is necessary to do so to gain access to one's own lot. The City expressly disclaims liability for any injuries sustained by anyone violating this rule.

9. All persons must obey the reasonable orders of the sexton in regard to traffic or conduct which may be necessary in connection with funerals, services, public gatherings, work, or other social activities in the cemetery, and all constable, policemen, and other law enforcement officers, while on duty in the cemetery, shall be temporarily under the orders of the sexton.

10. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City, therefore, reserves the right to make exceptions, suspensions, or modifications of any of these rules and regulations, without notice, when in judgment of the sexton such action appears necessary; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rules and regulations.

LOTS AND LOT OWNERS

Descriptions of all lots will be in accordance with the cemetery maps which are kept on file at the City offices.

Sales of cemetery lots shall be handled at Bessemer City Hall. Complete payment must be made before any burial is to take place. Perpetual care must also be paid at the time of the property sale.

All cemetery fees are set in the current price schedule.

Any person buying property must be a City resident at the time of the sale to qualify for the residency fee.

Upon the sale of property, a deed will be issued with a copy of these rules and regulations. This shall constitute the agreement between the City and the property owner.

All transactions involving lot transfers must be recorded at Bessemer City Hall. The City will not recognize as lot or space owners, persons whose names are not recorded.

Unoccupied spaces can only be sold back to the City and shall be equal to the price initially paid. Property will only be purchased back if it is free of monuments, markers, etc. and is suitable for resale. Perpetual care monies are nonrefundable.

The right to enlarge, reduce, replat or change the boundaries or grading of the cemetery, or section or sections, from time to time, including the right to modify or change the locations of or remove or regrade roads, drives, or walks, or any part thereof is hereby reserved. The right to lay, maintain and operate, or alter or change pipelines or gutters for sprinkling systems, drainage, etc. is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The City reserves to itself and to those lawfully entitled thereto a perpetual right to ingress and egress over plots for the purpose of passing to and from other plots.

The City will take all reasonable precautions to protect lot owners, and property rights of plot owners, within the cemetery for loss or damage; but the City disclaims all responsibility for the loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than is herein provided.

It is the duty of the lot owner to notify the City of any change in his/her Post Office address.

CARE OF LOTS

Perpetual care shall consist of the following only:

1. leveling, sodding and/or seeding of lots
2. grass cutting
3. weed and grass trimming

The general care assumed by the City shall in no case mean the maintenance, repair or replacement of any memorial, tomb, or mausoleum placed or erected upon lots, nor the doing of any special or unusual work in the cemetery. Nor does it mean the reconstruction or any marble or granite work on any section or plot, or any portion or portions thereof in the cemetery, caused by any elements beyond the control of the City.

PLANTS AND SHRUBS

The City shall not be responsible for any kinds of plantings damaged by the elements, vandals, thieves or by other cases beyond its control. The cemetery sexton shall have the further authority to remove all shrubs, plantings and herbage of any kind from the cemetery as soon as in the judgment of the sexton, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained. All removals shall be done without notice.

No trees, shrubs, bushes or flowers may be planted on lots, or at any place within the cemetery.

GRAVE DECORATIONS

Grave decorations are defined as being any objects used to adorn graves (floral offerings, statues, etc.)

Grave decoration is permitted between the week before Memorial Day and the tenth day after Labor Day. All decorations including flowers, statues, containers, etc. must be removed thereafter or will be disposed of without notice.

Any grave decorations and/or containers deemed unsightly or hazardous will be disposed of without notice.

Only ***ONE*** grave decoration per occupied space is permitted and must weigh no more than thirty-five (35) pounds. Any grave decorations in excess of this rule will be disposed of without notice.

GRAVE DECORATIONS CONTINUED

Any glass containers are prohibited.

Any containers previously used for food items, such as coffee, soup, etc. are prohibited.

All grave decorations are to be placed at either the head or foot end of the grave to allow free use of lawnmowers.

Shepard's hooks or other similar plant hangers are permitted but must **not** be set in concrete.

All artificial flowers must be in a suitable container. Flowers placed directly in the ground, with no container, will be disposed of.

FUNERALS AND INTERMENTS

The cemetery is officially open for interments from May 1st to November 1st. Interments may take place during the closed period but will be at the City's discretion, depending on weather or availability of manpower and City equipment.

Interments and/or graveside services during the closed period are subject to the approval of the sexton.

Any and all human bodies received during the closed period may be stored in the City mausoleum for interment prior to Memorial Day. Any human bodies stored in the mausoleum are to be interred at the discretion of the sexton.

No human bodies stored in the mausoleum are to be interred during the week prior to Memorial Day unless deemed necessary by the cemetery sexton. Interments are at the discretion of the sexton.

With the above exception, any and all stored bodies are subject to the same rules and regulations stated herein and are also subject to rules and regulations set forth by governing public health agencies.

All interments are to be scheduled with advance notice of at least eight (8) working hours.

No interment (except cremated remains) shall take place without a burial permit presented by the funeral director upon arrival at the cemetery.

Orders received from funeral directors for the opening of graves will be construed as orders from the lot owners.

No burials are to be scheduled on any City recognized Holidays.

All graveside services must end by 2:00 p.m.

Any other interments scheduled during "non-working" hours are subject to overtime charges set in the current price schedule.

Any interment that is delayed beyond normal City "working" hours and is beyond any control of the cemetery staff will result in overtime charges to be paid by the funeral director.

All interment charges are to be paid in full before any burial is to take place.

The fees for resident/non-resident interments are set in the current price schedule.

FUNERALS AND INTERMENTS CONTINUED

Resident charges will apply if the deceased has maintained his/her principal residence in the City of Bessemer:

immediately preceding death, or
for ten (10) years immediately prior to residence in an out-of-City health care facility, or
for thirty (30) years during his/her lifetime.

Funeral directors making arrangements for burials shall be responsible for all interment charges unless special arrangements are made prior to burial.

Lot owners shall not allow interments in their lots in return for remuneration of any kind.

When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner. Should the lot owner fail or neglect to make such designation, the City reserves the right to make the interment in a location designated by the cemetery sexton.

The City will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a space where interment is desired.

All burials are to be recorded in the City offices.

All burials are to be done by the cemetery sexton or other City employees only.

All burials (except cremated remains) must be in a concrete grave box or vault.

All unauthorized burials of cremains are prohibited.

The scattering of any ashes anywhere within the cemetery grounds is prohibited.

No lot shall be used for any other purpose than the burial of the human dead.

No interment of two (2) or more bodies shall be made in (1) grave except that of the bodies of an adult and infant under one (1) year of age or a single grave containing two (2) infants under one (1) year of age.

No more than three containers of cremated remains may be buried in a grave that does not contain a body and no more than two containers of cremated remains may be buried in a grave containing one previously interred body. Further, there shall be no

disinterment of the cremains or body within any grave for the purpose of burying bodies or cremains within the same grave.

Upon entering the cemetery, all funerals and interments shall be under the charge of the cemetery sexton.

The use of tents, artificial turf, vault suspension devices, etc. are subject to approval of the sexton.

DISINTERMENTS

Besides being subject to these rules and regulations, all disinterments and removals are made subject to the orders and laws of the properly constituted public authorities.

Disinterment of a body once properly interred, shall not be made without a properly executed disinterment permit.

One (1) week notice shall be given to the City prior to any disinterment of a human body.

The cemetery sexton and/or City employees are the only persons who will be permitted to open graves with the following exceptions:

> When disinterment is directed by order of a court of competent jurisdiction and a certified copy of such order has been filed with the City.
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> When the medical examiner directs the disinterment for the purpose of holding an inquest and has filed with the City his signed authorization to release the body to himself and his lawful agents. Cemetery employees will not be permitted to assist the medical examiner or his agents.

All disinterments of bodies and cremains are subject to opening and closing fees set in the current price schedule.

The City assumes no liability for any additional fees incurred in making the disinterment and/or removal.

The disinterment of cremains shall be done only upon proper authorization of the City Manager and next of kin (wife, husband, mother, father, or by all daughters, sons, sisters, and brothers).

The City shall exercise due care in the opening of graves for a disinterment and/or removal, but it shall assume no liability for any damage to any casket or burial case incurred in making the disinterment and/or removal. The City also accepts no responsibility for damage to any vase, urn, or container of cremated remains if said container is deemed to be of poor quality or condition.

MONUMENTS AND MARKERS

The erection and placement of all monuments, markers, foundations, etc. are:

1. subject to approval of the cemetery sexton
2. to be installed during normal City "working hours" unless authorized by the cemetery sexton.
3. to be installed by personnel under hire of the monument sales person.

All monuments and markers shall be constructed of standard bronze, granite, or marble from recognized monument quarries.

The exact dimensions of any monument, marker, etc. are subject to the approval of the sexton.

All monuments and markers require a solid masonry foundation. These foundations must:

1. have a collar of at least four (4) inches
2. have a depth of at least three (3) feet
3. be set flush with the ground
4. be set with approval from the cemetery sexton to insure uniformity and prevent infringement upon adjacent properties

Upright monuments and markers are permitted:

1. at the head end of graves
2. at the foot end of graves only if a "match" to adjacent markers is desired. These adjacent markers must be the property of the same lot owner.

Maximum allowable size of upright monuments and markers (head end):

1 space	30" w x 14" x 24" h
2 space	48" w x 14" x 30" h
3 and 4 space	60" w x 14" x 36" h

"Preneed" markers are permitted only if said property is paid in full and the foundation is installed in a timely manner **after** the interment is completed.

Foundations for "preneed" markers to be placed at the head end of any grave may be installed prior to interment.

The erection of any mounds, property borders, collars, ledgings, or corner markers is prohibited.

ERECTION OF VAULTS AND OTHER STRUCTURES

No vault or other structure above the ground, except monuments, may be erected within the cemetery. These include, but are not limited to, vaults, mausoleums, columbariums, etc.