

CODE OF ORDINANCES

CITY OF

BRANDON, MISSISSIPPI

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Chapter 22

CEMETERIES*

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*State law references—Municipal authority generally, MCA 1972, §§ 21-17-1, 21-33-89, 41-43-33; cemeteries generally, MCA 1972, § 41-43-1 et seq.

Sec. 22-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block means four plots as a group or unit.

Cemetery custodian means the parks director for the city.

Lot means a distinct measured portion or a piece of land in a designated cemetery section in the city.

Nonresident means any person who is not a resident of the city.

Plot means three lots (grave spaces) as a group or unit.

Resident means any person who maintains his domicile within the city.

(Ord. of 12-20-94(1), § 2)

Cross reference—Definitions generally, § 1-2.

Sec. 22-2. Opening, closing lots, plots or blocks.

The city shall not open or close any lot, plot or block in a city cemetery.

(Ord. of 12-20-94(1), § 3(1))

Sec. 22-3. Payment for parcels.

All cemetery parcels shall be paid in full prior to any interment.

(Ord. of 12-20-94(1), § 3(2))

Sec. 22-4. Markers.

All markers to be installed in a city cemetery shall be approved by the cemetery custodian as to location, space, depth and appearance prior to installation.

(Ord. of 12-20-94(1), § 3(3))

Sec. 22-5. Placement of vegetation, ornamental objects and other cemetery restrictions.

(a) No permanent shrubs, trees, flowers, or ornamental objects shall be placed in a city cemetery without prior approval of the cemetery custodian.

(b) *Decoration of plots.* Permanent flower containers are to be placed on the headstone and there shall be no freestanding containers. Flowers placed on gravesite within the cemetery that are not permanently placed on the headstone as noted above, shall be removed there from within ten calendar days after the date of the burial service for which they were placed with the following exceptions, to-wit:

(1) Christmas wreaths or poinsettias including, but not limited to, miniature Christmas trees, will be permitted to remain on or next to grave from November 15 through January 15, following after which time the city reserves to the right to have same removed. No wreath, tree or plant shall be higher than two feet high (when placed on ground or grave marker), and no more than two feet wide in diameter.

(2) Potted plants such as Easter lilies, azaleas, tulips, etc., will be allowed only at Easter, Mother's Day, Memorial Day and Father's Day. American flags may be placed next to grave sites for Memorial Day, Flag Day, July 4th, and Veteran's Day. American flags may remain throughout the year if placed in a permanent container which is located on the permanent headstone. Otherwise, holiday plants and flags will be allowed to remain for one week or until in the judgment of the designated appointee of the city, they have become unsightly. No plant shall be higher than two feet high (when placed on ground or grave marker), and no more than two feet wide in diameter.

Families desiring to save same should remove them within that time as those remaining longer will be removed and destroyed by the city.

a. *Placement of flags, banners, toys, etc., prohibited; removal.* The placing of flags (other than American flags as stated in subsection (2)), banners, boxes, cans, fences, trellises, solar lights, shells, toys, metal designs, ornaments, signs, cards, concrete urns, concrete benches, pictures, ar-

tificial flowers, and similar articles, or any article other than the approved monument or marker upon plots shall not be permitted, and if so placed, the city reserves the right to remove same without notice to the lot owner. No gravel, brick, stone, cement or other kind of artificial walks will be permitted on any lot. No glass, plastic or ceramic items will be allowed (except on permitted holidays). Any item placed in a permanent container that is deemed unsightly or inappropriate and is not listed above, will be removed.

- b. *Pets; prohibited.* No pets are allowed in cemeteries.
- c. *Cremation ashes.* No spreading of cremation ashes is permitted in any city cemetery.

(Ord. of 12-20-94(1), § 3(4); Ord. of 4-19-2010, § 1)

Editor's note—Section 1 of an ordinance adopted April 19, 2010, changed the title of § 22-5 from "Placement of vegetation, ornamental objects" to "Placement of vegetation, ornamental objects and other cemetery restrictions."

Sec. 22-6. Restoration.

Any person performing an interment in a city cemetery shall be responsible for returning the burial site to its preinterment condition. Any restoration not performed by any such person shall be performed by the cemetery custodian and all costs and expenses incurred by the cemetery custodian shall be paid by such person, together with a penalty of 25 percent of the total restoration costs and expenses.

(Ord. of 12-20-94(1), § 3(5))

Sec. 22-7. Sale of cemetery parcels.

(a) A minimum of one plot (three lots) shall be sold to any one purchaser.

(b) A maximum of one block (12 lots) may be sold to any one purchaser.

(c) The city clerk/administrator and mayor are vested with the authority to convey any and all lots, plots and/or blocks, consistent with the provisions set forth in this chapter and the city

clerk/administrator shall maintain a duplicate original of each and every interment deed issued in conjunction with any sale and/or transfer.

(d) A lot, plot, or block shall not be sold, given or in any way transferred to another without prior notification and/or approval by the city clerk/administrator and mayor, and if approved, a copy of any interment deed, selling, giving or in any way transferring any lot, block or plot shall be provided to the city clerk/administrator at the time of transfer.

(e) All legal and recording fees shall be paid by the purchaser.

(f) A copy of this chapter shall be supplied to all cemetery property owners at the time of purchase.

(g) All new sales contracts will require use of a standard interment container.

(h) The cost for city cemetery plots shall be as established by the mayor and board of aldermen from time to time.

(i) All lots, plots and/or blocks shall be sold only to individuals and the city clerk/administrator and/or mayor shall have the right, prior to any sale, to demand sufficient documentation to establish whether the person is a resident of the city.

(Ord. of 12-20-94(1), § 3(6))

Sec. 22-8. Brandon Memorial Gardens, part 2.

As to Brandon Memorial Gardens, part 2, a "block" shall mean eight plots as a group or unit; and a "plot" shall mean two lots (grave spaces) as a group or unit. A minimum of one plot shall be sold to any one purchaser and a maximum of one block may be sold to any one purchaser. All other provisions of chapter 22, not expressly modified by this section shall be applicable to Brandon Memorial Gardens, part 2.

(Ord. of 1-5-99(1), § 1)