

ARTICLE I. IN GENERAL

Sec. 30-1. Disclaimer of responsibility.

For the purposes of this chapter, the city disclaims all responsibility for 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, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority, whether the damage be direct or collateral.

(Code 1983, § 7-15)

Sec. 30-2. Entry upon streets and lands of cemetery during certain hours.

(a) Except as otherwise provided in this section, no person shall enter on foot, by vehicle or other means of transportation or movement upon the lands of the city or the streets, roads, alleys or other passageways in and serving the lands of the city commonly known as the West Hill Cemetery between the hours of 10:00 p.m. and 5:00 a.m. next of each day. It is the intent of the mayor and council that any unauthorized entry shall constitute a trespass upon public lands of the city, and public notice is given to that effect.

(b) For purposes of subsection (a) of this section, the West Hill Cemetery shall be defined to include all lands, streets, roads, alleys and passageways of the city lying within the following boundaries:

South of Crawford Street, west of Ridge Street, north of West Emory Street and east of Loveman Lane/Castle Drive.

Travel upon Lowell Street, Ridge Street, West Emory Street, Crawford Street, Loveman Lane and Castle Drive are not prohibited by this section.

(c) Subsection (a) of this section shall not be applicable to the following:

(1) Any employee of the city, the county, the state or the United States engaged in any bona fide law enforcement or public safety duty at the time of entry nor to any other city employee engaged in bona fide duties involving cemetery maintenance, emergency or disaster relief or utilities maintenance or otherwise performing a valid public function or duty.

(2) Any person entering West Hill Cemetery for purposes of parking or removing a parked vehicle while attending any officially permitted activity or event at the Harmon Field.

(d) Any person violating this section will be subject to citation and summons to answer the charge in the city municipal court. Upon conviction for any violation, the violator may be subject to the general penalty as provided in subsection 1-7(a).

(e) Nothing contained in this section shall prohibit the city from charging any violator with a violation of any other law or ordinance applicable to the violator's conduct.

(Code 1983, § 7-11)

Sec. 30-3. Trespass upon grassed areas.

No person shall enter upon the grassed areas of any cemetery property for any purpose other than those related to interment, visitation of the deceased and maintenance.

(Code 1983, § 22-24(a))

Sec. 30-4. Use of abutting and traversing streets.

All streets abutting or traversing cemetery properties may be used for recreation purposes, unless otherwise prohibited, except that no person shall operate any motorized model vehicle from such streets or allow such vehicle to pass over or through any cemetery property.

(Code 1983, § 22-24(b))

Sec. 30-5. Activities prohibited during funeral processions, interments and memorial services.

No person shall engage in any recreational activities upon streets abutting or traversing through cemetery properties during a funeral procession, interment or memorial service. Any person encountering a funeral procession, interment or memorial service shall cease recreational activities or withdraw from the area in a fitting, appropriate and unobtrusive manner.

(Code 1983, § 22-24(c))

Sec. 30-6. Flowers, trees and shrubs.

(a) *Artificial flowers.* Artificial arrangements will be removed from the cemetery by the city after two months or when they become disarranged.

(b) *Potted plants.* Potted plants, as long as they remain in good condition, watered and taken care of by the owner of the lot, will not be removed by the city.

(c) *New burials.* When a new burial is made on any cemetery lot, all flowers will be removed after ten days, except one or two artificial arrangements and one or two potted plants in good condition may be left subject to subsections (a) and (b) of this section.

(d) *Seasonal arrangements.* Seasonal arrangements such as Christmas, Easter, etc., wreaths and flowers will be removed after 30 days. If any lot has an abundance of flowers or wreaths which cause a maintenance problem to the lot, the cemetery sexton may remove those which interfere with maintenance.

(e) *Permanent planting.* No permanent planting of any kind is allowed. The city will do all planting of trees, shrubs, etc., as space allows.

(f) *Containers.* Only clay, plastic or recessable-type containers will be allowed for flowers.

(g) *Removal of detrimental trees and shrubs.* If trees or shrubs situated in any lot in the old

section of the cemetery shall by their roots or branches become detrimental to adjacent lots or avenues or unsightly or inconvenient to visitors, it shall be the duty of the cemetery sexton and he shall have the right to enter the lot and remove the trees and shrubs or such parts thereof as he shall determine to be detrimental or unsightly or inconvenient.

(Code 1983, § 7-12)

Cross references: Vegetation, ch. 122.

Sec. 30-7. Monuments and markers.

(a) Monuments, markers or stones of any kind shall not be permitted on the graves and plots in the section and/or phases of West Hill Cemetery set out in this subsection. In those sections, only individual memorial tablets or markers and family name markers shall be allowed, and they must be set level with the ground so as to allow a lawn mower to pass over the marker within the family plot. They must be set subject to the approval and inspection of the cemetery sexton. The sections/phases are as follows: West Hill Cemetery 1989 addition, phase 1.

(b) No new coping, fences, walks, sidewalks, benches, fixtures or enclosures will be allowed in the cemetery except as constructed by the city. Only existing walls may be repaired by the owner or removed by the city if they are hazardous to employees while working.

(Code 1983, § 7-13)

Sec. 30-8. Disinterment.

The city will not participate in a disinterment at West Hill Cemetery. No disinterment shall be allowed without prior receipt by the city of a certified copy of an order from a court of competent jurisdiction that grants to the petitioner the right to disinter the body in question.

(Ord. No. 02-08, § 1, 4-01-02)

Sec. 30-9. Rules.

The city shall publish rules for the use and care of the city cemetery and shall provide copies to all funeral homes within Whitfield County and to members of the public upon request. All funeral homes and citizens making use of the city cemetery shall abide by such rules and all amendments thereto.

(Ord. No. 05-11, § 1, 6-20-2005)

Secs. 30-10--30-35. Reserved.