

ORDINANCE NO. 578

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NUMBER 471 ESTABLISHING GENERAL RULES AND REGULATIONS OF THE OPERATION OF MUNICIPAL CEMETERIES WITHIN THE CITY OF LONG BEACH, MISSISSIPPI; AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, having made due investigation therefore, do now find, determine, adjudicate and declare that it is necessary and proper to adopt the following ordinance governing and relating to the operation of municipal cemeteries within the city limits of the City of Long Beach, Mississippi; now therefore,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

ARTICLE 1. PLATS REQUIRED

There shall be kept by the City Clerk, a plat of each city cemetery, and he/she shall, by and within consent of the Mayor upon application of any person entitled to purchase, convey by deed any of the lots on sale, and not lots shall be sold except in platted additions.

ARTICLE 2. SALE OF LOTS AND INTERMENT SITE

- a) **“Lot and “interment site” defined.** All cemetery property shall be sold by lots or interment sites. For purposes of this section, the term “lot” shall consist of four (4) interment sites; and the term “interment site” shall mean a burial space for one (1) person which shall measure ten (10) feet long and five (5) feet wide.
- b) **Price; option to purchase additional sites.** The price of each interment site shall five hundred (\$500.00). The purchase of single interment sites shall be confined to the southwest and northeast corners of the 1989 Extension of the Long Beach Cemetery and more particularly described as Lots 367, 368, 369, , 370, 371, 372, 183, 184, 201, 202, 203 and 204. Multiple interment sites shall be sold throughout the remainder of the cemetery requiring the purchase of a minimum of two (2) interment sites and a maximum of eight (8) interment sites.
- c) **Disposition of moneys; record of sales.** The money for the purchase of lots for interment shall be paid to the City Clerk, who shall keep a record of such sales.

ARTICLE 3. SIGNING AND CONDITIONS OF DEEDS

Deeds shall be signed and acknowledged by the Mayor and City Clerk and shall contain the condition that unless the purchaser shall observe and obey all the regulations of the Mayor and Board of Aldermen concerning the cemetery, now in force or hereafter enacted, the title of such lots shall revert to the City.

ARTICLE 4. USE OF CEMETERIES; EXERCISE OF INTERMENT RIGHTS.

The use of city cemeteries and the exercise of interment rights therein shall be subject to the following conditions and restrictions:

- (a) **Financial interest in lots, transfer of lots.** No person shall be interested directly or indirectly in the purchase of any lot in any city cemetery, unless such person shows proof that he/she is a citizen of the city, and the purchase of any lot in any city cemetery is for such person or his family’s own use unless permission to the

contrary, in writing, is obtained from the Mayor and Board of Aldermen. No person shall dispose of a cemetery lot or any part of it without first reporting to the City Clerk the name of the party to whom such transfer is proposed to be made, and receiving the city's assent thereto.

(b) **Deed, payment required** No interment sites may be used until deed to the interment right has been executed and delivered by the city. No deed for an interment right shall be executed or delivered until the price therefore has been paid in cash in accordance with the provisions of this article.

(c) **Plants, shrubbery.** No additional growing plants, shrubs or flowers will be permitted, on interment sites or elsewhere in the cemeteries, so as to hamper or prevent necessary maintenance and care. Containers for flowers designed to be set on the headstone are allowed provided, however, that the location and setting of such containers shall be performed under the supervision of the foreman.

(d) **Headstones, markers.** Headstones extending above the ground shall be allowed on interment sites, however, the placement of such headstones, markers or plaques shall be done under the supervision of the foreman; provided there shall be one

- (1) headstone per site. Above ground foot stones, statues, ornaments, any type of slab, coping, or other material used to cover, encompass or adorn an interment site are prohibited.

(e) **Plant, flower containers.** The city shall not be responsible for clay pots, glass containers, flower stands or other items placed in the cemeteries. All flower vases shall be mounted or secured to the headstone.

(f) **Persons eligible for burial.** Only members of the immediate family of each owner of burial sites or persons related to such owner within the third degree as computed under the civil laws may be interred unless by express consent of the city. No more than one (1) person per interment lot shall be interred without the express written consent of the city regardless of the type or size of vaults, caskets or similar containers, whether cremated or not.

(g) **Sale by owner.** An owner may sell property owned by him in the cemeteries only with the consent of they city. No such sale may be made for a sum greater than the price currently charged by the city.

(h) **Vehicles.** It shall be unlawful for any person to drive any type of vehicle in a city cemetery except on paved or designated areas.

ARTICLE 5. FENCES.

No fence of any kind shall be permitted around cemetery lots or interment sites.

ARTICLE 6. ENTERING CEMETERIES AT NIGHT PROHIBITED.

It shall be unlawful for any person to enter or go within the enclosure of any city cemetery during the hours of nighttime, that is, between dusk and daylight.

ARTICLE 7. BURIAL REQUIRED INSIDE CEMETERIES.

The bodies of deceased persons shall not be buried at any other place within the city limits except in some duly established and regularly operated cemetery, and the

digging of graves in the city-owned cemeteries shall only be done by authorized employees of the city or other persons designated by the city to accomplish same.

ARTICLE 8. CITY EMPLOYEES TO DIG AND FILL GRAVES, WHEN MATERIAL, LABOR AND EQUIPMENT TO BE FURNISHED BY CONTRACTOR.

It shall be the duty of the employees of the city, or its designee, on application of the person interested, accompanied by a permit from the health officer, on payment of proper fees, to dig and fill graves in the city cemeteries. However, when concrete, steel or other metal vaults or similar casket containers are used, the contractor or other persons responsible for its use shall furnish material, labor and equipment necessary for raising, placing in position and lowering such vault or container; and where the work to be performed is interrupted by a funeral or other necessary delay, said labor and equipment shall remain immediately available to complete the work without delaying the city's employees or its designee in the contemplation of its duties.

ARTICLE 9. DISINTERMENT PERMIT REQUIRED FEE.

No disinterment or transfer of bodies from one (1) lot to another or out of the city cemetery shall be made without first obtaining a written permit from the health officer, which may be granted by him to the funeral director. For the services of opening and filling such graves, the city shall receive from the funeral director, or persons granted authority by permit, the fee of two hundred dollars (\$200.00).

ARTICLE 10. CHARGES FOR BURIAL AND PERPETUAL MAINTENANCE.

(a) **Generally.** Cemetery charges for burial and perpetual maintenance for all persons shall be as follows:

Weekdays	\$500.00
Saturday	\$625.00
Holidays	\$625.00
Cremation	\$250.00
	\$350.00 (Saturdays/Holidays)

(b) **Overtime charges.** Per all work done after 3:30 p.m. in addition to the fees herein provided, there shall be an overtime fee for one hundred (\$100.00) per hour or any part thereof for work performed after 3:30 p.m.

(c) **Sundays.** There will be no burials on Sundays.

ARTICLE 11. AUTHORITY TO IMPROVE LOTS.

Lot owners may make improvements and additions to their own lots, but it must always be done under the supervision of the foreman, in strict conformity to the requirements of this article.

ARTICLE 12. EFFECTIVE DATE.

This Ordinance shall take effect and be in force thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 578 was introduced in writing by Alderman Ponthieux who moved its adoption. Alderman Carrubba seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Bernie Parker	voted Aye
Alderman Gary J. Ponthieux	voted Aye
Alderman Kaye H. Couvillon	voted Aye
Alderman Carolyn Anderson	voted Aye
Alderman Leonard G. Carrubba, Sr.	voted Aye
Alderman Mark E. Lishen	voted Aye
Alderman Ronnie Hammons, Jr.	voted aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance Number 578 adopted and approved this, the 3rd day of August, 2010.

APPROVED:

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK

C E R T I F I C A T E

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #578 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 3rd day of August, 2010, as the same appears of record in Ordinance Book #7, pages 494-498 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 3rd day of August, 2010.

REBECCA E. SCHRUFF, CITY CLERK

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