

AMENDED ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF POPLARVILLE, MISSISSIPPI, ESTABLISHING GENERAL RULES AND REGULATIONS GOVERNING THE CONTROL, OPERATION, MAINTENANCE, AND PROTECTION OF MUNICIPAL CEMETERIES, AND FOR RELATED PURPOSES.

WHEREAS, pursuant to Section 21-17-1 and Section 21-37-21 of the Mississippi Code (1972), as amended, the Mayor and Board of Aldermen have the power and authority to operate cemeteries; and

WHEREAS, the Mayor and Board of Aldermen of the City of Poplarville, 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 control, operation, maintenance, and protection of municipal cemeteries owned by the City of Poplarville, Mississippi;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF POPLARVILLE, MISSISSIPPI:

Section 1: The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a. "City" means the City of Poplarville, Mississippi, and its governing authorities, including but not limited to the Mayor and Board of Aldermen;
- b. "Cemetery" or "Cemeteries" means one or both of the cemeteries owned and controlled by the City, namely the City Cemetery, located at 200 North Jackson Street, and Forest Lawn Cemetery, located at 233 Garrett & McGill Drive.
- c. "Plot" means a distinct measured portion or a piece of land in a City Cemetery (i.e., a single grave space).

Section 2: The supervision of the City Cemeteries reserves a protectorate over each and every plot sold in said cemeteries; that is, no plot shall be molested, marred, changed, improved, or bodies disinterred therefrom, without the consent of a proper legal authority or a duly authorized official of the City.

Section 3: Any person disturbing the sanctity of the City Cemeteries or who conducts himself in an improper or boisterous manner shall be ejected from the cemetery grounds. There shall be no shooting of firearms or fireworks within the grounds of the City Cemeteries, and no person in the possession of firearms, other than law officers and/or military officials conducting military funerals, shall be admitted into the cemeteries.

Section 4: It shall be unlawful for any person to enter or go within the enclosures of the City Cemeteries or upon the grounds of the cemeteries during the hours of night time; that is, between sunset and sunrise.

Section 5: All trees, shrubbery, and planted flowers in the City Cemeteries shall remain the property of the City and cannot be removed without written consent of the City, and

no laborers or gardeners, except employees or agents of the City, shall be allowed or permitted within the grounds of the City Cemeteries, without written permission from the City. All shrubs, trees, and planted flowers shall be planted under the direction and with the approval of the City, and no flowers, shrubs, or trees shall be planted on an individual plot. No mounds shall be permitted, and no enclosures of plots with stones, curbs, or other material, other than the natural sod of the remainder of the Cemetery, shall be permitted.

Section 6: Flowers and other decoration placed on plots within the City Cemeteries shall be removed therefrom seven (7) calendar days after the date of the burial service for which they were placed. The City reserves the right to remove any flowers, vases, jars, or other receptacles when they have served their purpose and have become deteriorated or unsightly, as determined by the City employees maintaining the Cemetery.

Section 7: Each temporary grave marker must be removed and replaced with a permanent headstone or monument within one (1) year after the date of the burial service. If a permanent marker is not placed within one year of burial, the City shall be authorized to purchase and install a six inch by six inch (6" x 6") name plate, stating the name of the deceased and the year of death. The cost for the name plate shall be paid by the owner of the plot.

Section 8: There shall be only one individual person buried in each plot. All interments in plots shall be restricted to members of the family, or relatives of the owner, or next of kin of the deceased.

Section 9: Only human remains shall be buried in the City Cemeteries. The grave for any body or cremated remains shall be within a burial vault or grave box (concrete, steel, fiberglass or plastic), casket, or urn/cremation container. All grave boxes, caskets, and buried urns shall be buried at a depth of at least four feet six inches (4'6"), and shall have at least twenty-four inches (24") of tamped earth on top of the grave box, casket, or urn. Each plot shall have only one upright monument or headstone.

Section 10: A columbarium may be erected, at the plot owner's expense, above ground on a funeral plot. Only one columbarium may be erected on any plot, and the columbarium shall not encroach upon any surrounding plot. No columbarium erected in any City Cemetery shall rise more than five (5) feet above the ground surface. A columbarium may contain multiple niches. Up to two (2) containers of human cremains may be placed in a single columbarium niche.

Section 11: All deeds and conveyances of plots in the City Cemeteries shall be signed by the Mayor and City Clerk of the City and recorded in the office of Chancery Clerk of Pearl River County, Mississippi.

Section 12: The purchase price for plots in the City Cemeteries shall be Three Hundred and 00/100 Dollars (\$300.00) per plot. Each cemetery plot situated in any City Cemetery shall be paid in full at the time of purchase before a deed will be issued, before any plot is prepared or used, and before any monument or headstone or columbarium is erected.

Section 13: The City Clerk is authorized and directed to collect a fee for the perpetual maintenance of all City Cemetery plots upon sale of same. The fee for perpetual maintenance shall be Two Hundred and 00/100 Dollars (\$200.00) per plot in Forest Lawn Cemetery and Four Hundred Fifty and 00/100 Dollars (\$450.00) per plot for the City Cemetery. This fee may be adjusted by Order of the Mayor and Board of Aldermen. This fee shall be deposited by the City Clerk into the Cemetery Fund maintained by the City and shall be used solely for the perpetual care, maintenance, upkeep, and capital improvements in the City Cemeteries, as provided herein. The City shall not use or spend any of the monies in the City Cemetery Fund until the total principal balance reaches at least \$10,000.00. After the Cemetery Fund has reached a balance of \$10,000.00, then the City may only spend up to ten percent (10%) of all perpetual maintenance fees paid after that date, with the remaining fees to remain in the Cemetery Fund.

Section 14: All requests for City employees to perform work to locate and mark a grave plot, for burial or placement of headstone, monument, or columbarium, shall be made at the time of purchase of the plot. All purchases of grave plots shall be made no later than 2:00 p.m. in order for the City to locate and mark the grave plot that same day. If a purchase is made after 2:00 p.m., the City employees will not locate and mark the grave plot until the next weekday. The City shall not sell any plots or perform work to locate or mark any grave plot on weekends or holidays.

Section 15: Any funeral director, funeral home, or mortuary in charge of any funeral in a City Cemetery, or any party designated by the City with the responsibility of opening and closing graves, shall leave the surface of the earth as near the condition as it was found as is possible, and in no event shall any earth, grass, cuttings from shrubbery, rubbish, or debris of any kind be left in the walks, driveways between plots, or on the plots of others. A tarpaulin or other suitable temporary ground cover shall be spread upon the ground for the deposit of loose soil resulting from the opening of the grave.

Section 16: Any funeral home, mortuary, or other individual opening or closing a grave and who has reason to bring vehicles or equipment of any type into a Cemetery shall use due caution and diligence to assure that grave markers, headstones, monuments, columbariums, and other permanent structures located within the Cemetery are not damaged. In the event such damage occurs as a result of opening or closing of a grave or the interment or disinterment of a body, the person opening or closing the grave shall assume full liability for such damages, including for damages associated with contractors employed to deliver burial devices (including burial vaults) and any other equipment or supplies related to the interment or disinterment.

Section 17: The City's obligation to persons who have purchased burial plots and/or placed a burial marker, headstone, monument, or columbarium in a City Cemetery is limited to the reasonable upkeep of the grounds, roads, fences, and other landscaping. The City shall not have any liability associated with the placement of or damages to any bench, monument, headstone, columbarium, or grave marker, or concerning damage to any burial equipment, casket, vault, or the remains of the deceased. The City shall not be responsible or liable for the placement of any bench, monument, headstone, columbarium, or grave marker on one plot that may encroach onto another plot.

Section 18: Any section of any other Ordinance of the City of Poplarville, although not specifically identified herein, which is in conflict with any section of this Ordinance, is hereby repealed.

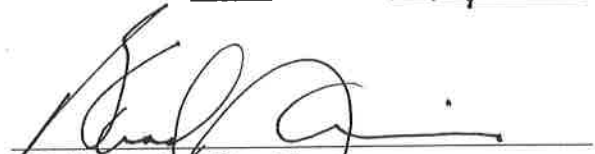
This Ordinance shall take effect and be in force thirty (30) days after its adoption, publication, and enrollment thereof as provided by law.

The above and foregoing Ordinance having been first introduced in writing, was read and passed section by section, and then as a whole. Upon the question having been called for, the result of a roll call was as follows:

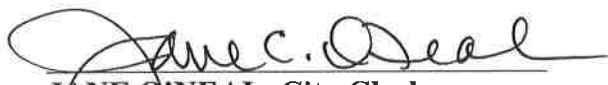
Alderman Glen Bolin	voted	<u>Aye</u>
Alderman Jason Pearson	voted	<u>Aye</u>
Alderman Margaret Smith	voted	<u>Aye</u>
Alderman Byron Wells	voted	<u>Aye</u>
Alderman Shirley Wiltshire	voted	<u>Aye</u>

The ordinance having received the affirmative vote of a majority of the members of the Board of Aldermen of the City of Poplarville, Mississippi, the Mayor declared said Ordinance to have been duly adopted.

SO ORDAINED, APPROVED AND ADOPTED the 19th day of April,
A.D., 2016.


BRAD NECAISE, Mayor

ATTEST:


JANE O'NEAL, City Clerk