

ORDINANCE NO. 2016-131

AN ORDINANCE AMENDING THE GROUNDS REGULATIONS FOR CITY OF MADISON CEMETERIES

WHEREAS, §11-47-40 of the Code of Alabama, as amended, states that all cities and towns in the state have the power to own, regulate, improve, lay out, and control town or city cemeteries and permit additions thereto; and

WHEREAS, §12-1 of the *Code of Ordinances, City of Madison, Alabama*, empowers the Madison Municipal Cemeteries Committee to make recommendations to the City Council regarding cemetery ground and structure maintenance and improvements regarding all cemeteries which the City operates and maintains; and

WHEREAS, §12-24 of the *Code of Ordinances, City of Madison, Alabama*, gives the Director of Public Works authority to maintain the grounds of cemeteries that the City owns and operates; and

WHEREAS, §12-24 of the *Code of Ordinances, City of Madison, Alabama*, states that the City Council may, from time to time, establish grounds regulations for cemeteries that it owns and operates; and

WHEREAS, on February 23, 2015, by its approval and passage of Ordinance No. 2015-50, the City Council adopted grounds regulations to be enforced by the Director of Public Works; and

WHEREAS, the Madison Municipal Cemeteries Committee has made certain recommendations to the City Council for the amendment of the City's grounds regulations to the extent those recommendations do not preempt the aforementioned authority given to the Director of Public Works or operate to prevent his exercise thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON, ALABAMA, that the grounds regulations adopted by passage of Ordinance No. 2015-50 are repealed and replaced to read as follows:

***"CITY OF MADISON, ALABAMA
CEMETERY GROUNDS REGULATIONS***

1. ***Provision and acceptance of regulations.*** Upon submission of an Interment Order to the City Clerk-Treasurer, the Responsible Party, as therein designated, shall be provided a copy of these regulations and then acknowledge his or her receipt and acceptance of the same.
2. ***Grounds keeping authority.*** The Director of Public Works or his duly authorized designee (hereinafter "Director") has ultimate and final authority to direct or perform any lawful action determined by the Director to be necessary to effectuate the beautification, maintenance, and repair of the City's cemeteries.

3. ***Monuments and ornamentation.***

- a. Before a Responsible Party can install a new monument, replace an existing monument, or affix ornamentation of any kind to an existing monument (the term “monument” to include, but not be limited to, a headstone, ledger stone, cornerstone, or marker) he or she must notify and seek approval from the Director.
- b. Monuments may be installed only under the supervision of the Director, who has final approval over the installation and placement of every monument.
- c. Ornamentation of any size on a monument, including, but not limited to, vases, statues, and medallions, must be either original to the monument, having been permanently and physically incorporated into the monument by design and construction, or permanently affixed to the monument in the manner prescribed by the Director.
- d. Ornamentation prohibited from use or display in all City cemeteries includes, without limitation:
 - Statues and figurines which are not physically incorporated into or permanently affixed to a monument in accordance with these regulations
 - Benches, except for those which are designed, constructed, and installed as monuments
 - Balloons, trinkets, pinwheels, etc.
 - Concrete items of any kind or size
 - Gravel, rocks, stones, wood shavings or pieces, marbles, and similar objects
 - Funeral home markers for graves that have a monument or headstone
 - Hanging decorations other than a flower pot installed with a shepherd’s hook under Section 5
 - Lawn furniture
 - Solar lights
 - Vases or urns
 - Food, beverages, and alcohol, regardless of the container
 - Curbing, fencing, borders, edging, or materials of any kind which serve to enclose a grave or graves or separate a grave or graves from the remainder of the cemetery
- e. The City reserves the right to remove prohibited items and items which, in the judgment of the Director, fall within the general parameters established in paragraph d., and to discard the same without further notice.

- f. The City reserves the right to preserve any monument or ornament of historic value, regardless of its compliance with these regulations, subject to the determination by the Director of the item's historical significance after consultation with the Alabama Historical Commission.
4. **Flags & flag poles.** No person can place flags or flag poles in any City of Madison cemetery except as provided below:
- a. Subject to the supervision of the Director, temporary flags may be placed on graves for two (2) weeks prior to and two (2) weeks after Memorial Day, Independence Day, and Veterans Day. Any flags not picked up will be appropriately discarded by Public Works without further notice.
 - b. Any flag pole properly and permanently installed in any Madison cemetery before the date of approval of these regulations shall be allowed to remain in place unless the Director determines that the flag pole is damaged, in disrepair, or not being utilized for a continuous period of thirty (30) days. Any flag poles found to be in any one or more of these conditions will be removed by Public Works without further notice.
 - c. The City is not responsible for maintaining any flags or flag poles unless they are the City's property.
 - d. Once flag poles have been removed, whether by the City or an individual, they cannot be replaced.
 - e. The City of Madison will remove and properly dispose of worn flags without further notice. Notwithstanding the timeline set forth in paragraph b., the City of Madison will not replace any worn flags that it removes.
5. **Plants & flowers.**
- a. Cut or silk flowers and flower arrangements may be temporarily attached to the top of a monument or placed at its base. Except as provided herein, no other flowers or arrangements shall be placed anywhere on any grave.
 - b. In the event a monument, whether single, double, or family, cannot accommodate a standard flower saddle, up to two (2) shepherd's hooks may be used for the sole purpose of holding and displaying flowers, whether cut or silk. Each hook shall be no more than forty-eight inches (48") in overall height; made of powder-coated steel with a double-prong forked base; and placed flush with the base of the monument with the hook facing inward toward the center of the monument in a manner that will not interfere with

grounds keeping efforts. The City reserves the right to move or adjust any shepherd's hook that poses a hazard or obstacle to grounds keeping efforts and to remove and discard any shepherd's hook that is damaged, abandoned, or in disrepair.

- c. Where a grave is marked by a flat or ground-flush monument or by no monument at all, up to two (2) flat-bottom flower pots with a maximum capacity of five (5) gallons each may be placed immediately adjacent to the monument or in the area where a headstone would be placed for the sole purpose of holding and displaying flowers, whether cut or silk. The placement of each flower pot shall be done in a manner that will not interfere with grounds keeping efforts. The City reserves the right to move or adjust any flower pot that is an obstacle to grounds keeping efforts and to remove and discard any flower pot that is damaged, abandoned, or in disrepair.
- d. Following a funeral, Public Works will remove fresh flowers after seven (7) days and artificial flowers after twenty one (21) days without further notice.
- e. The City reserves the right to remove any flowers when they become faded, dried, worn, or otherwise unrepresentable, as determined by the Director.
- f. No flowers or flower arrangements shall be placed or planted in cemetery walkways or common areas.
- g. No flowers, plants, trees, shrubs, or any other vegetation shall be planted in or removed from any location within any cemetery except by the City.
- h. The City reserves the right to prune, trim, relocate, or remove any flowers, plants, trees, shrubs, or any other vegetation on any grave or in any common area of any cemetery at any time and without notice.
- i. Subject to the supervision of the Director, temporary wreaths may be placed on graves for one (1) week prior to and one (1) week after any City-recognized holiday. Any wreaths not picked up will be discarded without further notice.

6. ***Miscellaneous.***

- a. Parking or driving on graves is prohibited.
- b. Scattering cremated remains anywhere within any cemetery is prohibited.

- c. Responsibility for compliance with these regulations and for communication of the same shall inure from the original purchaser or owner of the lot to all of those who succeed him or her by assignment, sale, or inheritance."

BE IT FURTHER ORDAINED that the City Council reaffirms its commitment to enforcement of these grounds regulations, as amended, and authorizes and directs the Mayor to enforce the same; and

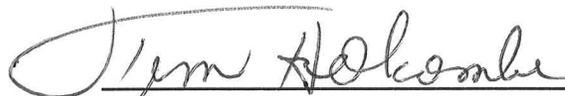
BE IT FURTHER ORDAINED that the City of Madison hereby expressly states that it does not assume any liability for any monuments, flowers, flags, flag poles, or other ornamentation placed in any City-owned cemetery by entities or individuals other than the City and its representatives;

BE IT FURTHER ORDAINED that if any word, clause, phrase, sentence, paragraph, or provision of this Ordinance shall be invalidated by a court of competent jurisdiction, such invalidity shall not affect any other word, clause, phrase, sentence, paragraph, or provision hereof; and

BE IT FURTHER ORDAINED that this Ordinance, after its adoption and publication as provided by law, shall become effective on June 1, 2016; and

BE IT FURTHER ORDAINED that the City Clerk-Treasurer is hereby instructed to provide a copy of these regulations to each person submitting an Interment Order.

READ and ADOPTED this 24th day of May, 2016.



Tim Holcombe, Council President
City of Madison, Alabama

ATTEST:



Melanie A. Williard, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this 26th day of May, 2016.



Troy Trulock, Mayor
City of Madison, Alabama

Ordinance/Resolution Adoption Action Form

Document Number: 2016-131

1. Date Introduced: May 9, 2016
Minutes No.: 2016-09-RG

2. Date Approved: May 24, 2016
Minutes No.: 2016-10-RG

Votes of Council

Council Member	Absent	Aye	Nay	Abstain
Holcombe		X		
Smith		X		
Klein	X			
Potter		X		
Overcash		X		
Clark		X		
Ondocsin		X		

4. Date signed by President/
Pro Tempore of Council: May 24, 2016

5. Date signed by Mayor: May 26, 2016
If vetoed by Mayor, further Council action: n/a

6. Publication Date: June 1, 2016
Newspaper: Madison County Record

Distribution: Library, Municipal Code Corporation, Cemetery file