

**-CITY OF BOAZ-HILLCREST CEMETERY
RULES AND REGULATIONS
ORDINANCE #96-656**

PURPOSE

1. These rules and regulations are designed for the protection of owners of interment rights as a group. They are intended, not as restraining, but rather as preventing the inconsiderate from taking unfair advantage of others. Their enforcement will help protect your Cemetery and create and preserve its beauty. These rules and regulations are hereby adopted as the rules and regulations of the Cemetery, and all owners of interment rights, visitors and contractors performing work within the Cemetery, shall be subject to said rules and regulations, amendments or alterations as shall be adopted by the City of Boaz from time to time.

DEFINITIONS

2. The term "Owner" shall mean the owner of rights of interment.
3. The term "Interment" shall mean cremation and inurnment, entombment or burial of the remains of a deceased person.
4. The term "Memorial" shall mean any marker or structure upon or in any lot or niche, placed thereon or therein, or partially therein, for the purpose of identification or in memory of the interred.
5. The term "Contractor" as used in these rules and regulations shall mean any person, firm or corporation or anyone engaged in placing, erecting or repairing any memorial, or performing any work in the Cemetery grounds, other than an employee of the Cemetery.
6. The "Cemetery" shall include those places owned and operated by the City of Boaz, Alabama, where dead bodies of human beings are buried, including but not limited to lots for depositing dead bodies, avenues, walks and grounds necessary for its use or for shrubbery and ornamental purposes.

SUPERVISION

7. The Cemetery Supervisor (an agent of the City) reserves the right to compel all persons coming into the Cemetery to obey all rules and regulations adopted by the Cemetery. The rules and regulations may be changed without notice to any Owner by the City of Boaz.
8. The Cemetery personnel shall take reasonable precaution to protect Owners, and the property rights of Owners, for loss or damage; but it distinctly 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, invasion, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
9. The Cemetery Supervisor reserves, and shall have, the right to correct any errors that may be made by Cemetery Personnel either in making interments, disinterments or removals, or in the inscriptions, transfer, or conveyance and substituting and conveying in lieu thereof other interment rights of equal value and similar location as far as possible, or as may be selected by the Cemetery Supervisor or, in the sole discretion of the Cemetery Supervisor and/or his agents, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery Supervisor and/or his agents shall also have the right to correct any errors made by placing an improper description, including an incorrect name or date either on the memorial or on the container from cremated remains.
10. Persons within the Cemetery grounds shall use only the avenues, walkways and roads.
11. Automobiles and any other motor driven vehicle shall not be driven through the grounds at a greater speed than fifteen miles per hour and must always be kept on the right side of the Cemetery roadways. Automobiles are not allowed to make U-turns on the driveways or roadways and are not allowed to park or to come to a full stop in front of an open grave, unless such automobiles are in attendance at the funeral.
12. The right to enlarge, reduce, re-plat or change the boundaries or grading of the Cemetery or of a section or sections, from time to time, including the right to modify or change the locations of/or any part thereof or remove or re-grade roads, drives and walks is hereby expressly reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters from sprinkling systems, drainage, lakes, etc., is also expressly reserved, as well as is the right to use Cemetery property, not sold to individual owners, for Cemetery purposes, including the interring and preparing for interment of dead human bodies, or for anything necessary, incidental or convenient thereto. The Cemetery reserves to itself and

to the lawfully entitled thereto, a perpetual right to ingress and egress over lots for the purpose of passage to and from other lots.

SALE AND PURCHASE OF INTERMENT RIGHTS

13. The sale or transfer of any interment right by any Owner or purchaser, shall not be binding upon the Cemetery unless same shall first be fully approved in writing by the properly authorized officer of the Cemetery and then such interment right may be fully approved in writing by the properly authorized officer of the Cemetery and then such interment right may be reconveyed to the Cemetery. The Cemetery shall issue a Warranty Conveyance to the new owner. The same rule shall apply in all cases of purchase contract for interment right. This procedure is required in order that the Cemetery may at all times have a complete and accurate record of all owners and purchasers.
14. Any and all transfers of any interment right, whether same be by conveyance or assignment of purchase contract, are subject to all rules and regulations of the Cemetery, which are not in full force and effect or which may be hereafter enacted. The Cemetery Supervisor may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due the Cemetery from the Owner so recorded in the records of the Cemetery at the Cemetery Office. All transfers of ownership shall be subject to a charge of \$10.00, which charge must be paid the Cemetery when the transfer is recorded.
15. The subdivision of interment rights is not allowed without the consent of the Cemetery Supervisor and/or his agents and not one shall be buried in any lot not having an interest therein except by written consent of the Owner of said burial rights or, if he or she is deceased, then the next of kin interested in such burial rights and the Cemetery Supervisor and/or his agents.
16. All work on lots will be done by the employees of the Cemetery under the direction of the Cemetery Supervisor. Cemetery grave openings & closings shall be the sole responsibility of the Cemetery and applicable charges will be made to the owner.
17. No enclosure of any kind, such as a fence, coping, hedge or ditch shall be permitted around any grave or lot. Grave mounds will not be allowed and no lot shall be raised above the established grade.
18. Interment rights can be purchased in this Cemetery only with the written approval of the Mayor and/or his agent, and subject to the rules and regulations of said Cemetery now or hereafter adopted for the government of this Cemetery, and for the purpose of interment only. This provision applies to all sales, whether made directly by the Cemetery personnel or sales made by the Owners.

19. No interment rights or contracts for the purpose of interment rights can be sold, assigned, transferred, pledged or hypothecated without the written approval of the Mayor and/or his agent.
20. All terms and conditions for the purpose of interment rights must be recited in the purchase contract. Verbal agreements or representations will not be recognized.
21. Each owner is vested with the ownership of his or her interment right for the sole purpose of interment of dead human bodies. Under the regulations of the Cemetery, the interment rights cannot be conveyed without the assent of the Mayor and/or his agent; nor any use, division or improvements of them be made which the Cemetery prohibits, or may deem proper. The owner of interment rights may dispose of same by will, subject to the foregoing conditions. If the Owner dies intestate, the ownership of the burial rights will pass in accord with the laws of descent and distribution governing the estate of any intestate.
22. No conditional or partial transfer of burial rights and no sale of an undivided interest will be permitted, except to a person or persons who are already part owners, and the reason for the above provision is that the Cemetery cannot be responsible for carrying out the intent of the grantor.
23. The Cemetery personnel shall direct generally all improvements within the grounds and upon all lots and graves, before as well as after interments have been made therein. They shall have charge of the planting, sodding, surveying and improvements generally.
24. No person other than the personnel of the Cemetery shall be allowed to perform any work on any grave or lot within the grounds without permission from the Supervisor or his agent.
25. If any memorial, or any structure whatsoever, or any inscription to be placed on same, shall be determined by the Cemetery personnel, to be offensive, or shall not, in the sole opinion and judgment of said personnel harmonize with the overall plan for Cemetery development, they shall have the right and it shall be their duty, to enter upon such lot and remove, change or correct the offensive or improper object or objects.
26. If any tree, shrub or plant standing upon any lot, by means of its roots, branches, or otherwise, be or become detrimental to adjacent lots or avenues, or if for any other reason its removal is deemed necessary, the Cemetery maintenance personnel shall have the right and it shall be their duty, to remove such trees, shrubs or plants, or any part thereof, or otherwise correct the condition existing as in their judgement seems best.

FUNERAL REGULATIONS

27. Funerals after entering the gates, shall be subject to the direction of the Cemetery.
28. Notice of no less than twelve (12) working hours before the announced time of a funeral will be required. This provision is for the benefit of lot owners so that the burial space may be properly prepared.
29. Graves must be located by the family or its representative.
30. When a removal is to be made from a single grave space, which is not a part of a Family Estate, the formerly occupied single grave space and all the rights therein revert to the Cemetery. If no steel or concrete vault has been used for this interment or if there was a steel or concrete vault and same is not in the removable condition, one must be furnished by agent requesting removal. Charge for all removals must be paid in advance. The Cemetery's removal charge of the body shall be the prevailing opening and closing fee then being charge by the Cemetery. Application for removal permit must be signed by next of kin and properly notarized prior to time of removal.
31. The burial of two bodies in one grave will not be permitted except when both bodies are in the same casket.
32. In the case of cremation, two cremation urns, and only two will be permitted in one individual grave space.

GENERAL REGULATIONS

33. No dogs shall be permitted in the Cemetery.
34. Bringing lunches, beer or intoxicated liquors within the Cemetery is strictly forbidden.
35. No boxes, shells, toys, discarded glassware, sprinkling cans, metal rods placed in ground to hold hanging plants, bird houses, etc. receptacles, or similar articles will be permitted on any grave, lot or tree.
36. The Cemetery is not responsible for theft of damage to anything placed on graves or lots.
37. Only outer containers for burial approved by the Cemetery will be permitted to be used. A burial vault or concrete liner is required for all burials except cremation urns.

38. Any person, having a legal right to do so, desiring to remove a body from the grave space of another, must present a written permit signed by the owner for such removal and also himself sign a request to have such removal made. These shall remain on file in the office of the Cemetery.
39. Any granite or marble and/or concrete bench can only be placed at head of the lot for a monument or on adjacent lot at head.
40. All markers at foot shall be placed flush with ground level for mowing purposes.
41. No wooden or cast-iron bench or chair, or any wooden or wire trellis, shall be permitted to be or be brought upon the grounds.
42. The Cemetery agents have authority to enter upon any lot and to remove any objectionable thing or any erection that may remove and dead or damaged tree, shrub or vine.
43. No person shall be permitted to enter or leave the Cemetery except during daylight hours and any person found on the grounds after dark will be considered a trespasser.
44. No person shall drive a motor driven vehicle within the Cemetery in excess of fifteen miles per hour and driving of any type vehicle upon the lawn or any other place other than the paved road in said Cemetery is prohibited.
45. Holders containing flowers or other decorations must be removed as soon as the flowers fade and wither and if same are not removed, then the Cemetery personnel reserves the right to remove same. Winter wreaths and all dead flowers in holders will be removed on March 1 of each year. This provision is for the benefit of Cemetery lot owners, since the spring grass would be killed in the vicinity of such decorations if same were not removed.
46. No person will be permitted to use profane or boisterous language or in any way disturb the quiet and good order of the Cemetery.
47. All persons are forbidden to hunt, or disturb any animals about the Cemetery.
48. All persons are strictly forbidden to break or injure any tree or shrub, or mar any landmark, marker or memorial or in any way deface the grounds of the Cemetery.
49. No money shall be paid the attendants at the entrance or on the grounds. The entire time of the persons regularly employed on the grounds belong to the Cemetery. Visitors and Owners must not otherwise engage them, except in their off time hours. All order, inquiries and complaints must be left at the Cemetery office.

50. All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of wanton injury, disturbance or disregard of the rules.
51. It is of utmost importance that there should be a strict observance of all the proprieties due the Cemetery, whether embraced in the foregoing regulations or not, as no impropriety will be tolerated.
50. Cut flowers may be used at any time, provided same are in a vase approved by the Cemetery personnel.
51. Placing potted flowers, plants, summer wreaths or baskets on lots and graves is not permitted except on Easter, Mothers Day, Fathers Day, Memorial, Armistice Day, Decoration Days and Christmas Day; same shall be removed within ten (10) days from placing on lots and graves on the special days herein set forth. For any other special day, approval must be obtained from the Cemetery Supervisor or one of his agents. The digging of holes for any purpose whatsoever is strictly prohibited.
52. Floral tributes will be limited to no more than three (3) during mowing season except Decoration days. Decoration flowers may remain for two (2) weeks, after which they will be removed. The Cemetery personnel reserves the right to remove all flowers, potted plants, summer wreaths or baskets of flowers ordered to make such removals and in his judgement it is to be the best interest.

MODIFICATION AND AMENDMENTS

53. The Cemetery may, and it hereby expressly reserves the right any time or times, with or without notice to Owners, to adopt new rules and regulations, or to amend, alter or repeal any rules, regulation or article, section, paragraph or sentence in these Rules and Regulations.
54. Opening and closing of graves shall be in accordance with current price list approved and passed by the City Council, and are subject to change at the Councils discretion.

