



**Statement of Policy:**

The Rules and Regulations for Baldwin City Cemetery are reviewed and approved by the Baldwin City Council to govern the operations and functions of the Baldwin Cemetery. These rules and regulations were created in order to maintain the Cemetery in a condition wherein individual solace and memory may be sought and to accommodate, to the greatest degree possible, the memorial intent of those who care for the interred.

The Cemetery is not one of perpetual care and the City of Baldwin is under no obligation to maintain any set standard for its care and upkeep. The City does, however, endeavor to provide general maintenance and care to the Cemetery in keeping with its purpose of the reverent interment of the dead.

The City shall not be held liable for errors or damages which may occur from misinterpretation of telephone instructions from lot owners, their legal representatives, or funeral directors acting on behalf of the owner or their heirs.

The City has the right to change, modify, or re-plat any part of the Cemetery. Cemetery patrons who have questions or concerns may contact Baldwin City Hall at 706-778-6341.

**Map and Development Plans**

The City maintains a cemetery map and development plan defining available, purchased, and occupied cemetery lots, as well as future development.

The Mayor and City Council shall establish rules and regulations for the use of the Baldwin Cemetery relating to:

- Subdividing the Cemetery into lots,
- Capacity of each lot,
- Location of graves, and
- Types of plants, monuments, and markers permitted for the proper and most attractive development of the City Cemetery.

Said rules shall be kept in the office of the City Clerk and are available to the public.

**Entry to Cemetery**

Visitors to the cemetery enter at their own risk. While every effort is made to ensure the safety of the public, cemeteries can be dangerous places due to uneven ground, unstable headstones, etc. Members of the public should not go near open excavations

or soil heaps, as the ground is unstable. The City is not liable for any injuries sustained while visiting the Cemetery. It shall be unlawful for any person to be on the premises of the Cemetery between the hours of sunset and the following sunrise.

### **Notification Required for Grave Digging**

It shall be unlawful for any person to dig a grave in the Baldwin Cemetery without first notifying the City Clerk or Chief Administrative Officer during normal business hours within 24 hours of digging at the site. Failure to notify could result in a fine.

### **Notice of Interment**

A written Notice of Interment and appropriate payment must be delivered to Baldwin City Hall as soon as possible prior to any interment in any grave. All funeral home directors should contact City Hall in sufficient time to ensure that our records reflect the information given to them and to make sure full payment was made for the burial site.

Baldwin City Hall is open Monday - Friday, 8:30 am - 4:30 pm and is closed on weekends and the following official City Holidays:

New Year's Day, Martin Luther King, Jr. Day, President's Day, Good Friay, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, and Christmas Day.

### **Human Burials Only**

Only the remains of human beings shall be buried at Baldwin Cemetery.

### **Rules for Interment**

No deceased person shall be interred in the Baldwin Cemetery until it has been verified that:

1. The lot in which burial is to be made has been paid in full.
2. The person arranging for such burial has the right to the use of such lot.
3. Such lot is not used beyond its capacity.
4. Proper record is made of the name and age of the deceased person and of the exact location of the grave.
5. All state and local health laws are in full compliance.
6. All caskets must be in vaults.

### **Exhumation Notification Required**

No person shall exhume or remove any corpse from the Baldwin Cemetery without written notice to the Chief Administrative Officer and City Clerk, a court order

authorizing exhumation, and a notice from the county coroner. Any exhumations must be conducted in the presence of the coroner (or respective agent) and a city official.

### **Purchasing Cemetery Lots**

Any person desiring to purchase lots in Baldwin Cemetery may contact City Hall by phone at 706-778-6341. All lots shall be sold subject to the rules and regulations now in force or which may be adopted. Such lots shall be used for no other purpose than the burial of human remains.

All 5' x 10' burial plots currently cost \$600.00 each and these plots are only available in the new section of Baldwin Cemetery. There are currently no plots available for purchase in the old section of the Baldwin Cemetery.

Only one body shall be buried in any one grave space. Cemetery deeds for a grave space, however, may be equally divided into two 5' x 5' grave spaces to allow for the burial of cremation urns. Only one urn may be buried in each 5' x 5' grave space.

### **Revocation of Cemetery Plots**

In the event that a purchaser of a cemetery plot no longer needs said plot, they may revoke any rights back to the City of Baldwin and receive reimbursement for funds paid for the plot in one of two ways:

- 1.) If a cemetery plot was purchased in full and the owner wishes to revoke any claim to said plot, they may sell the plot back to the City of Baldwin upon providing proof of ownership (a cemetery lot certificate issued by the City with matching government identification) and/or proof of payment made in full. The owner must also sign a deed releasing all claims or interest to the cemetery plot. Upon approval by the Chief Administrative Officer, the City will issue a payment check to the owner for the amount paid for the cemetery plot within 30-60 days.
- 2.) If a cemetery plot is being purchased under a payment plan with the City of Baldwin and the purchaser wishes to give up any claim to said plot, they may revoke their payment plan and receive reimbursement from the City of Baldwin upon providing proof of contract for said plot (with matching government identification) and proof of payments made. The purchaser must also sign a deed releasing all claims or interest to the cemetery plot and acknowledging that they will be unable to utilize the cemetery lot payment plan for future purchases from the City of Baldwin. Upon approval of the Chief Administrative Officer, the City will reimburse the purchaser in one of two ways:
  - a. The City of Baldwin will issue a reimbursement check for the amount paid on the payment plan to the purchaser of the cemetery plot within 30 - 60

days, or;

- b. The City of Baldwin will transfer the amount paid on a payment plan to a different Baldwin cemetery plot's payment plan. Any amount exceeding the total cost of a cemetery plot will be refunded to the purchaser by check within 30 - 60 days.

### **Restrictions**

The planting of flowers, trees, shrubs, or any other effort to improve or beautify any lot within the Baldwin Cemetery shall not be allowed. No signs, notices, or advertisements of any kind shall be allowed in the cemetery, except those by the City.

All remains to be buried shall be placed in a coffin or casket that meets all State of Georgia requirements. Said coffin or casket shall then be placed in a rigid outer receptacle made of metal, concrete, fiberglass, plastic, or similar water-resistant material. The City maintains the right to approve all outer receptacles to be used in the cemetery.

### **Removal of Trees and Shrubbery**

If any tree or shrub (by means of its roots or branches) becomes detrimental in any way to the adjoining lot, avenue, or walk, it shall be the duty and privilege of the City of Baldwin to enter the lot and remove the tree(s), shrub(s), or any part thereof. No tree growing in any lot or border shall be pruned or removed without the consent of the City of Baldwin.

### **Authority to Remove Items**

The City of Baldwin shall have the authority to remove all flowers, weeds, trees, shrubs, or other plants of any kind from the Cemetery in the event they become unsightly, dangerous, detrimental, or diseased as determined by the Chief Administrative Officer. The City shall not be liable for damage to floral pieces, baskets, or picture frames in/to which floral pieces are attached.

### **Improvements or Alterations**

It shall be unlawful for any person to build or erect any wall, coping, or curbing around or on any lot in the Baldwin Cemetery without first obtaining written permission from the City at least 24 hours prior to its installation. The form requesting coping around a cemetery lot may be obtained at City Hall or by calling 706-778-6341. The measurements and corners of the cemetery lot must be verified by the City Clerk or Chief Administrative Officer before permission is granted to the lot owner or their heir(s) to erect any coping or similar improvement.

Written consent from the City Clerk or Chief Administrative Officer is required for any other improvements or alterations of deeded lots within the Cemetery. Such

improvements or alterations are subject to the satisfaction and approval of the City upon completion. The City of Baldwin reserves the right, at the expense of the lot owner, to remove or change improvements made without the City's written approval or in the event that the improvements become unsightly in the City's judgement.

### **Malicious Intent**

It shall be unlawful for any person do the following:

1. Disturb any grave.
2. Deface, disturb, or remove any monument or marker/ornament from any grave.
3. Destroy or damage any tree, shrub, or flowers planted or placed within the Cemetery.
4. Commit any other trespass within the cemetery.
5. Be on the Cemetery premises from sunset to the following sunrise.

Those found in violation shall be fully prosecuted.

### **Cemetery Care**

The responsibility of Baldwin Cemetery's general care is assumed by the City of Baldwin, including the cutting of grass at reasonable intervals, raking and cleaning of the grounds, and pruning shrubs and trees placed by the City. General care provided by the City shall not include the maintenance, repair, or replacement of any marker, monument, or memorial. The City shall not be responsible for any special work in the Cemetery, including but not limited to, any work caused by the impoverishment of the soil or reconstruction of any marble or granite work within the Cemetery.

### **Family Plots Inalienable**

***Reversion to City.*** Whenever an interment of the remains of a member or a relative of a member of the family of the record owner, or the remains of the record owner, is made in a plot transferred by deed or certificate of ownership to an individual owner and the owner dies without making disposition of the plot either in their will by a specific device, or by a written declaration filed and recorded in the office of the City Clerk, the cemetery plot thereby becomes inalienable and shall be held as the family plot of the owner, with title to the same reverting to the City for protection of those who may be interred therein.

***Right to burial without consent.*** In a family plot, one grave, niche, or crypt may be used for the owner's interment; one for the owner's surviving spouse, if any, who by law has a right of interment in it; and in those remaining, if any, the parents and children of the deceased owner, in order of death, may be interred without the consent of any person claiming any interest in the plot.

***Order of right of interment.*** If no parent or child survives, the right of interment goes in the order of death, first, to the spouse of any child of the record owner, and second, in

the order of death, to the next heir at law of the owner or the spouse of any heir at law.

***Interment right waived in favor of other relatives.*** Any surviving spouse, parent, child, or heir with the right of interment in a family plot may waive such right in favor of any other relative, or spouse of a relative, of either deceased owner or of their spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.

### **Vested Right of Spouse & Joinder Prerequisite**

No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

### **Plots with Multiple Owners/Designated Owner**

If a cemetery plot has several owners of the rights of interment, they may designate one or more persons to represent the plot, lot, or space and file written notice of designation with the City Clerk. In the absence of such notice or of written objection to its so doing, the City is not liable to any owner for interring or permitting an interment or refusing an interment in the plot upon the request or direction of any co-owners of the plot.

### **Cope of Vested Right**

No vested right of interment gives to any person the right to have their remains interred in any interment space in which the remains of any deceased having a prior vested right of interment have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space.

### **Delay of Interment, Liability, and Right of the City**

The City shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made, or where these rules and regulations are not in compliance. The City reserves the right, under such circumstances, to place the body in a funeral home or a receiving vault until the full rights have been determined. The City may require any protest to be in writing and to be filed in the office of the City Clerk.