



Memory Hill Cemetery

Rules & Regulations

PURPOSE

1. These rules & 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 Albertville 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 any employee of the Cemetery Department.
6. The term "Cemetery" shall include those places owned and operated by the City of Albertville, 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 OF CEMETERY

7. The Cemetery Department 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 Cemetery Department.
8. The Cemetery Department personnel shall take reasonable precaution to protect Owners, and the property rights of Owners, within the Cemetery, 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, and 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 Department Supervisor reserves, and shall have, the right to correct any errors that may be made by Cemetery Department Personnel either in making interments, distinterments 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 reserves, and shall have, the right to remove and transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The Cemetery Supervisor and/or his agents shall also have the right to correct any errors made by placing an improper description, including incorrect name or date either on the memorial or on the container for cremated remains.

10. Persons within the Cemetery grounds shall use only the avenues, walkways and roads.
11. Automobiles and other motor driven vehicles 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 for 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 Department 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.

SALES 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 Department unless same shall first be duly approved in writing by the properly authorized officer of the Cemetery and then such interment right may be reconveyed to the Cemetery Department; The Cemetery Department shall issue a Warranty Conveyance to the new owner. The same rule shall apply in all cases of assignment of purchase contract for interment right. This procedure is required in order that the Cemetery Department 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 Department, which are now 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 Department 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, which charge must be paid the Cemetery Department 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 no one shall be buried in any lot not having an interest therein except by written consent of the Owner of said burial right or, if he or she is deceased, then, the next of kin interested in such burial rights and of the Cemetery Supervisor and/or his agents.
16. All work on lots will be done by the employees of the Cemetery Department under the direction of the Cemetery Supervisor, except when permission is otherwise granted. All grading, landscape work, and improvements of any kind, and all care of lots, shall be done, and all trees, shrubs, and herbage of any kind shall be planted, trimmed, cut or removed and all openings and closing of lots and all interments, disinterments and removals shall be made by the Cemetery maintenance personnel.
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 City Clerk and/or his agent, and subject to the rules and regulations of said Cemetery not on 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 Department or sales made by Owners.
19. No interment rights or contracts for the purchase of interment rights can be sold, assigned, transferred, pledged or hypothecated without the written approval of the City Clerk and/or his agent.
20. All terms and conditions for the purchase 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 City Clerk and/or his agent; not any use division or improvements of them by made which the Cemetery Department 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 an 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. The right to use a burial space prior to the payment of all of the purchase price shall be governed by the provisions of the contract of sales.
23. The Cemetery Department 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 Department shall be allowed to perform any work on any grave or lot within the grounds without a permit 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 Department 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 conditions existing as in their judgment seems best.
27. No person shall pluck or remove any plant or flower, either wild or cultivated from any part of the Cemetery.

FUNERAL REGULATIONS

28. Funerals after entering the gates, shall be subject to the direction of the Cemetery.
29. Notice of 8 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.
30. Graves must be located by the family or its representative.
31. 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 Department. 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 a removable condition, one must be furnished by agent requesting removal. Charge for all removals must be paid in advance. The Cemetery Department's removal charge of the body shall be the prevailing opening and closing fee then being charged by the Cemetery Department. Application for removal permit must be signed by next of kin and properly notarized prior to time of removal.
32. The burial of two bodies in one grave will not be permitted, except when both bodies are in the same casket.
- 32a. 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 intoxicating liquors within the Cemetery is strictly forbidden.
35. No boxes, shells, toys, discarded glassware, sprinkling cans, receptacles, or similar articles will be permitted on any grave, lot or tree.
36. The Cemetery Department is not responsible for theft or damage to anything placed on graves or lots.
37. Only outer containers for burial approved by the Cemetery Department will be permitted to be used.
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 Department.
39. 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.
40. The Cemetery Department agents have authority to enter upon any lot and to remove any objectionable thing or any erection that may remove any dead or damaged tree, shrub or vine.
41. 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 as a trespasser.
42. No person shall drive a motor 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.
43. 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 will be removed on March 1 of each year and all flowers which are dead in holders will also be removed on March 1 of each year and all holders will be removed from grave sites, tagged and stored in storage shed. Same may be claimed with proper identification. 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 by March 1st.
44. No person will be permitted use profane or boisterous language or in any way disturb the quiet and good order of the Cemetery.
45. All persons are forbidden to hunt, or to fish, or to feed or disturb the fish, fowls or other animals about the Cemetery.
46. 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.
47. 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 Department. Visitors and Owners must not otherwise engage them, except in their off time hours. All order, inquires and complaints must be left at the Cemetery Office.
48. 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 and disregard of the rules.

49. It is of utmost importance that there should be a strict observance of all the properties due the Cemetery, whether embraced in the forgoing regulations or not, as no impropriety will be tolerated.
50. All well-disposed persons will confer a favor by informing the Supervisor only safe rule to adopt in visiting the Cemetery.
51. Touch nothing in the Cemetery that does not belong to you. This is the only safe rule to adopt in visiting the Cemetery.
52. No person or persons, other than an employee of the Cemetery Department, shall be permitted to bring or carry firearms within the Cemetery except a Military guard of honor and they only when in charge of an officer and during a Military Service.
53. All work and all planting of any kind on all lots and graves is strictly prohibited. Cut flowers may be used at any time, provided same are in a vase approved by the Cemetery Department personnel.
54. Placing potted flowers, plants, summer wreaths or baskets on lots and graves is not permitted except on Easter, Mother's Day, Father's Day, Memorial Day, 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.
55. 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 Department reserves the right to remove all flowers, potted plants, summer wreaths, or baskets of flowers ordered to make such removals when in his judgment it is to the best interest.

MODIFICATIONS AND AMENDMENTS

56. The Cemetery Department may, and it hereby expressly reserves the right, at 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 articles, section, paragraph or sentence in these Rules and Regulations.
57. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery Department, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of the Rules and Regulations when, in its judgment, the same appear advisable; and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of such and shall not be considered as a waiver of the rights of the Cemetery Department as set out herein.
58. Memory Hill Cemetery will pour all monument foundations for installation within the Cemetery. Advance notice of one week shall be given prior to monument delivery and set up. Foundations will be poured at a charge of twenty dollars, (\$20.00) per square foot. Appropriate thickness shall be poured by calculated weight of each monument. The fee charged will be paid to Memory Hill Cemetery in advance to the Monument being set.
59. Memory Hill Cemetery will pour all foot marker foundations, (not to exceed eighteen (18) inches X thirty-six (36) inches) for a standard fee of twenty-five (25) dollars per each foundation. This pricing will relate only to foot markers and all other foundations will be poured in accordance with rule number fifty-eight (58) above.
60. 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.
61. Mausoleum crypt plated shall be ordered and erected, so long as the crypts have been paid for in full. The crypt plates are included in the purchase price of the crypt spaces.