

Chapter 14 - CEMETERIES[1]

Sec. 14-1. - Police jurisdiction.

City Police Officers shall have law enforcement jurisdiction in all cemeteries owned or controlled by the City pursuant to S.C. Code 1976, § 5-7-110.

(Code 1995, § 5-101)

Sec. 14-2. - Payment for lot.

No person shall be buried in any lot in a cemetery owned or controlled by the City of Chester until the lot is paid for. If payment for the space to be used immediately cannot be made prior to interment due to financial reasons, assignment of benefits will be accepted for citizens of the City of Chester only.

(Code 1995, § 5-102)

Sec. 14-3. - Transfer of lots.

Lots in cemeteries owned or controlled by the City may not be transferred except with the written approval of the City Administrator.

(Code 1995, § 5-103)

Sec. 14-4. - Burial permits.

No person shall be buried in a cemetery owned or controlled by the City until a permit is obtained from the City. The application for a permit shall contain such information as the Administrator prescribes, including the name and residence of the deceased, name of nearest relative, and time and place of death. Permits shall be completed by the Funeral Director prior to burial along with a South Carolina Department of Health and Environmental Control Burial-Removal-Transit Permit.

(Code 1995, § 5-104)

Sec. 14-5. - Grave preparation.

It shall be the responsibility of the funeral home to arrange for the preparation of the grave site. No grave shall be less than five feet in depth. After burial, the soil atop the grave shall be left not more than six inches high, unless approved by the City. Sod shall be replaced by the funeral home not later than two days after burial. Excess soil shall be placed at a site designated by the City. Any damage to grave sites during opening or closing of graves shall be repaired by the funeral home. There are no limitations on the number of floral arrangements or funeral tributes placed at the gravesite at the time of burial. Burial flowers and wreaths shall be removed not more than ten days after burial. Funeral home tents shall be removed within three days following burial.

(Code 1995, § 5-105)

Sec. 14-6. - Evergreen Cemetery regulations.

The City Administrator shall have authority to administer and enforce the following regulations for Evergreen Cemetery in the City. The violation of a regulation in this Section is a misdemeanor.

- (1) No person shall be buried until the requirements of this Chapter have been complied with.
- (2) No animals or fowl shall be interred in the cemetery.
- (3) The City shall open and close barriers so as to deter vehicle traffic during the hours that the cemetery is closed.
- (4) No person shall maliciously damage any monument, tree, or shrub in the cemetery.
- (5) No unauthorized fence, railing, coping, hedge, tree, shrub, structure, or ornament shall be installed or erected in the cemetery, except tombstones, foot markers, or ground level corner markers. Temporary display of floral arrangements is permitted. Seasonal flowers that commemorate special events shall be removed by family members after one month of the special occasion. Faded or deteriorated fresh, silk or plastic ornaments will also be removed as needed by maintenance employees.
- (6) The owner of any grave space where an interment has been made shall within 12 months, provide that a permanent grave marker (e.g., granite, marble, bronze, etc.) be placed on a concrete foundation at the grave site. This permanent grave marker shall be sized to provide the inscription of the deceased's first and last names and the date of birth and the date of death. The owner of the grave space must contact a City representative prior to any grave marker or monument placement.
- (7) For all interments; a refundable deposit of \$200.00 shall be required prior to interment. The deposit shall be refunded to the purchaser after the required marker has been placed at the interment site of the deceased. If after 12 months has passed and no marker has been provided by the purchaser of the lot, the City will use the deposit toward the purchase of a marker as called for in this section, and the purchaser will be billed for any remaining balance which the deposit does not cover. The deposit will not be required when a marker has already been erected. If verification can be made that a marker will be provided by the Veterans Administration or other legitimate organization, the deposit will not be required.
- (8) Floral arrangements shall be limited to one per grave site. Floral arrangements, potted plants, etc., that are in violation of this Section will be removed. Funeral tributes and flags to commemorate national holidays are allowed. Faded, broken, or worn decorations (both fresh and plastic) at Evergreen Cemetery shall be taken away from grave sites without permission of owner of lots or responsible family member. In addition, deteriorated funeral flowers and embellishments shall be removed by City employees. This removal will take place not earlier than one week after a funeral.
- (9) Seasonal tributes that commemorate holiday such as Christmas, Easter, Memorial Day, Mother's Day, Father's Day, etc. (including flags, toys, and other memorabilia), shall be removed by the Public Works Director and his assistants only with the assistance of members of the Evergreen Cemetery Commission. Notice of removal times shall be published at least one week in advance in the Chester News and Reporter.
- (10) The City Council may revoke the privilege of use of the cemetery of any funeral home in violation of this Section. In addition, any violation of this Section is a misdemeanor, punishable by fine up to \$500.00 or up to 30 days in jail, or both.

(Code 1995, § 5-106; Ord. No. 2002-08, § 1, 10-28-2002; Ord. No. 2004-17, § 1, 1-10-2005; Ord. No. 2008-01, § 1, 4-14-2008; Ord. No. 2008-06, § 1, 12-8-2008)

Sec. 14-7. - Cemetery Commission established.

(a) All concerns of the Evergreen Cemetery will be monitored by an Advisory Commission composed of five members. Four shall be residents of the City appointed by the City Council. The remaining member shall be recommended by the Commission and the appointment shall be ratified by Council. This member can reside in the City or County. All terms will be for a period of four years.

(b) The Cemetery Commission shall provide advisory services concerning Municipal cemeteries, and shall provide management services in accordance with this Code.

(Code 1995, § 5-107; Ord. No. 32, § 1, 4-13-1998)

Sec. 14-8. - Fees.

Grave lot fees and permit fees shall be set by City Council.

(Code 1995, § 5-108)

Sec. 14-9. - Hours of operation.

The cemetery is open daily from sunrise to sunset. Trespassing after hours may result in police action as prescribed in Section 14-1.

(Code 1995, § 5-109)

Sec. 14-10. - Pre-need purchase

Purchase of grave lot(s) prior to need may be made at any time. Financing of pre-need lot(s) can be made by contract with the City. The City reserves the right to sell unused grave lot(s) due to default of contract.

(Code 1995, § 5-110)

Sec. 14-11. - Maintenance.

The City shall be responsible for maintenance of the cemetery. Mowing and routine grounds maintenance shall be done by City employees or agents of the City. The City assumes no responsibility for accidental damage to gravestones or monuments as a result of routine maintenance. The City assumes no responsibility for damage caused by vandalism.

(Code 1995, § 5-111)

Sec. 14-12. - Perpetual care.

(a) Perpetual care for a cemetery lot or lots at Evergreen Cemetery in Chester, South Carolina, shall consist exclusively of mowing, weed eating, adding soil to sunken lots, and disposal of excess debris. Other needs, such as pruning shrubbery, cutting down or trimming trees, cleaning and repairing or replacing tombstones, shall be the responsibility of owners, relatives of owners, or relatives of former owners. An exception shall be made when problems of these lots endanger other nearby lots in the cemetery.

(b) Problems with lots at Evergreen Cemetery will be reported by either or both the Public Works Director or the Evergreen Cemetery Commission to the City of Chester. If possible, the City of Chester shall contact the known next of kin.

(Code 1995, § 5-112; Ord. No. 2002-08, § 2, 10-28-2002)

Sec. 14-13. - Tributes during mowing season.

No tributes shall be placed on the ground or placed in or on additional stone other than monuments at Evergreen Cemetery from January 1 to December 31, with the exception of (1) Christmas holidays from December 1 to January 1, (2) National holidays, with a ten-day period for each holiday, and (3) flags for special occasions. Anything left on the ground other than these stated dates will be removed.

(Code 1995, § 5-113; Ord. No. 2002-08, § 2, 10-28-2002; Ord. No. 2007-04 § 1, 2-26-2007)

Sec. 14-14. - Certificate of ownership.

A certificate of ownership will be provided at the time of purchase. The certificate will include the following information: Owners name, section number, lot number, date of purchase, amount of purchase, deceased name, contact name, address and phone number, next of kin information and transfer of lot. All certificates will require an authorized City personnel signature, signed by the purchaser and notarized.

(Ord. No. 2008-02, § 1, 4-14-2008)