

Editor's Note – CHAPTER 8.3 was created by Ordinance No. 1664, 8-22-17 through removal from Chapter 15. Offenses, of Sections 15-8 and 15-9 and inserting them as Sections 8.3-1 8.3-2, and 8.3-3.

CHAPTER 8.3

CEMETERIES

Section 8.3-1. Cemeteries---Definitions.

For the purposes of Sections 8.3-2 and 8.3-3:

Cemetery plot is any subsection or portion of a publicly designated and approved cemetery within the City of Laurel, whether described by lot number or metes and bounds.

Monument includes but is not limited to any commemorative burial marker or structure composed of any substance, including but not limited to wood, plastic, metal, stone, granite or marble.

Source: Ordinance No. 836-1979, § 1, 1-16-79; Ordinance No. 1664-2017, 8-22-2017

Section 8.3-2. Burial Procedure Policy.

Upon recommendation by the Cemetery Committee of the Laurel City Council finds and determines the need for the adoption of a burial procedure policy for Oak Hill No. 2 Memorial Cemetery of Laurel, Mississippi, and the following procedure is hereby adopted:

- (1) Inform funeral homes that they will be held responsible for digging and they will be fined and or lose the privilege to bury if they bury without prior approval which consist of payment of \$200.00 for the maintenance fee and adherence to all other regulations as outlined in this policy. First offense will be a \$1500.00 fine and the second offense will be the loss of the privilege to bury in the cemetery.
- (2) All requests to dig graves would come through the city clerk, and be requested by a funeral home that appears on an established list of homes kept by the city clerk.
- (3) The City will establish a list of grave digging services from funeral homes and also the funeral homes will provide the City Clerk's office with the name, address and phone number of the grave opener for each funeral, no others will be allowed. No private/personal digging will be allowed. **NO EXCEPTIONS.**
- (4) All graves will require a permanent head marker with name, etc.
- (5) All graves shall be opened and closed according to state law. Funeral homes shall be responsible for removing excess dirt from grave site and cemetery to prohibit maintenance problems.
- (6) The cemetery will be open from 7:30 A.M. to 4:30 P.M. each day. The walk thru gates will be open 24 hours a day.
- (7) Burials are only allowed for immediate family (husband, wife, mother, father, sister,

brother and grandparents) with loved ones at Oak Hill Memorial.

Source: Ordinance No. 1426-2003, 2-18-03; Ordinance No. 1664-2017, 8-22-2017

Section 8.3-3. Prohibited Acts.

- (a) It shall be unlawful for any person to place any burial monument or marker on the burial plot of another located within cemetery grounds owned by the City without prior securing of a permit issued by the City Cemetery Manager authorizing and approving the placement of such a monument or marker. A permit approving the placement of a burial marker or monument may be obtained upon the payment of Five Dollars (\$5.00), proper demonstration of authorization to place such a monument and an accurate description of the cemetery plot upon which the applicant desires to rest a monument.
- (b) It shall be an offense for any person to place a burial monument or marker upon any portion of the burial plot of another, or in such a position as to encroach upon the designated walkways, thoroughfares or vehicle paths located within the cemetery grounds owned by the City. The penalty for such violation shall be in the amount of Fifty Dollars (\$50.00).
- (c) It shall be unlawful for any person, whether by unintentional, willful, wanton, reckless or malicious means, to desecrate the burial marker or cemetery plot of another or to damage or destroy any foliage, tree, shrub, grass, walkway or vehicle path within the cemetery grounds owned by the City. The penalty for such violation shall be in the amount of Fifty Dollars (\$50.00).

Source: Ordinance No. 836-1979, § 1, 1-16-79; Ordinance No. 1664-2017, 8-22-2017

- (d) No person can be denied the use of any public cemetery because of race, creed, color or national origin.

Source: Ordinance No. 1214-1993, 6-30-93; Ordinance No. 1664-2017, 8-22-2017

Section 8.3-4. PROHIBITING BURIAL OF HUMAN REMAINS ON PRIVATE RESIDENTIAL OR COMMERCIAL PROPERTY; ESTABLISHING PENALTIES FOR VIOLATIONS; AND PROVIDING FOR RELATED MATTERS.

Section 1. PURPOSE AND FINDINGS

The purpose of this Ordinance is to protect the public health, safety, and general welfare of the citizens of City of Laurel by prohibiting the burial of human remains on private property within the City limits.

Section 2. DEFINITIONS

As used in this Ordinance:

- (a) "Human remains" means the body of a deceased human being, including cremated remains (ashes) unless stored in a sealed container above ground.
- (b) "Private property" means any parcel of land within the City limits that is not designated, licensed, and operated as a cemetery under applicable state law.
- (c) "Burial" means the interment or disposition of human remains in or on the ground.
- (d) "Licensed cemetery" means any cemetery duly established, licensed, and operating in compliance with Mississippi law and applicable regulations.

Section 3. PROHIBITION

- (a) No person shall bury, inter, or cause to be buried or interred the human remains of any deceased person on any private property within the City limits.
- (b) This prohibition applies to all private property regardless of zoning classification, including but not limited to residential, commercial, agricultural, and industrial parcels.

Section 4. REQUIRED DISPOSITION

All human remains of persons dying within the City, or brought into the City for disposition, shall be interred, entombed, or cremated only at a licensed cemetery, mausoleum, crematorium, or other facility lawfully authorized under Mississippi law.

Section 5. EXCEPTIONS This Ordinance shall not apply to:

- (a) Burials in licensed cemeteries located on property that was historically used as a cemetery prior to the effective date of this Ordinance, provided such operations remain in compliance with state law.
- (b) The scattering of cremated remains on private property by the owner of said property, provided such scattering does not constitute interment in the ground and is otherwise lawful.
- (c) Archeological or forensic activities conducted under the authority of a governmental agency or court order.

Section 6. EXISTING UNLAWFUL BURIALS

Any person with knowledge of a burial on private property made in violation of this Ordinance, or any predecessor regulation, shall report such burial to the City within thirty (30) days of the effective date of this Ordinance or within thirty (30) days of discovery, whichever is later. The City may, at its discretion, require the lawful disinterment and reburial of such remains

at the expense of the responsible party.

Section 7. ENFORCEMENT

- (a) The City's Code Enforcement Officer, Health Officer, or their designees are authorized to enforce this Ordinance.
- (b) Upon reasonable cause to believe a violation has occurred, the City may seek an inspection warrant, issue a notice of violation, or pursue any remedy available under law.

Section 8. PENALTIES

- (a) Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed \$100.00 per day for each day the violation continues, or imprisonment not to exceed 1 year, or both, as provided by Mississippi law.
- (b) Each day a violation continues shall constitute a separate offense.
- (c) Civil remedies, including injunctive relief, shall also be available to the City to enforce this Ordinance.

Section 9. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 10. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption of the Second Reading to prevent imminent public health and environmental risks and to ensure the City's regulations governing the disposition of human remains are promptly aligned with state law.

