

CITY OF NORTHPORT

WILLIAMSON CEMETERY RULES & REGULATIONS

Purpose

The following rules and regulations have been adopted for the mutual protection of the cemetery, lot owners, and visitors. These rules are not intended to be necessarily restrictive, but rather to preserve the beauty and historic character of the cemetery. All lot owners, visitors, and contractors performing work within the Cemetery, shall be subject to these rules and regulations. Any purchase agreement, deed, or burial certificate issued by the City shall have the same force and effect as if these rules and regulations were set forth in full therein.

The city expressly reserves the right, at any time and without prior notice to any lot owners, to adopt new rules and regulations or to amend, modify or repeal any section, paragraph, or sentence of these rules and regulations. These rules and regulations supercede all prior rules and regulations relating to Williamson Cemetery.

This is a historic cemetery which has been owned and maintained by the City of Northport for its citizens and other individuals in the surrounding area for many years. The City does not discriminate against any individual for any reason in the sale and use of this cemetery by any person their family or friends. The City does not sell lots to any entity for it to use as a part of its business or to allow any entity or individual to resell any lot or lots for profit.

The loss of a friend or family member is a very emotional time. Please check periodically to be sure that all lots that you or your friends and family may use in the future are in the correct name and that the City is updated as to the identity of the individual that can direct the use of a particular lot for burial.

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SECTION I DEFINITIONS

1. The term “**Perpetual Care**” shall mean care and maintenance of the cemetery grounds and improvements indefinitely.
2. The term “**Perpetual Care Fund**” shall mean the fund established by the City for the expressed purpose of perpetual care for the Cemetery grounds and appurtenances. This fund will be a budgeted item in the City’s general fund and will receive ½ of the receipts from cemetery lot sales.
3. The term “**Memorial Care Fund**” shall mean the fund established by the City for the purpose of beautification of the Cemetery with the Board having discretionary authority over this fund. This fund will receive the remaining ½ of the cemetery lot sales, as well, as 100% of memorial donations to be used at the discretion of the Board.
4. The term “**Cemetery**” shall mean the Williamson Cemetery.
5. The term “**Deed**” shall mean the document by which the City conveys to the owner the exclusive rights of sepulture in a particular grave.
6. The term “**Contractor**” shall mean any person, firm, or corporation engaged in setting vaults, memorials, or performing any work on the Cemetery grounds, other than an employee of the City.
7. “**Memorial**” shall mean grave marker, headstone, footstone, or monument identifying a grave or graves.
8. The term “**Interment**” shall mean the final disposition of human remains by burial.
9. The term “**Interment Right**” shall mean the right to inter the remains of a deceased person in a specific lot, and plot within the Cemetery, subject to the limitations set forth herein.
10. The term “**Interment Services**” shall refer to the opening and closing of a particular interment plot.
11. The term “**Inurnment**” means placement of cremated remains into a grave plot.
12. The term “**Vase**” shall mean marble, granite, or bronze receptacle designed to hold flowers, potted plants, etc.

13. The term “**Vault**” shall refer to the container used to enclose a casket constructed of concrete or other material meeting current industry standards and approved by the Board.
14. The term “**Owner**” shall mean the owner of an Interment Right or Rights within the Cemetery, as reflected in the City’s records and/or Cemetery Deeds.
15. The term “**Lot**” refers to an area containing multiple grave spaces (maximum of eight 8) and designated with a lot number on the map or plat of the Cemetery maintained by the City.
16. The term “**Plot**” means one space (5’x10’) in a “Lot” and intended to be used, for the interment of human remains.

SECTION II OWNERSHIP OF BURIAL PLOTS

1. Burial Plots within the cemetery shall be used only for the interment of human remains.
2. A deed shall be issued to each owner upon full payment of the purchase price of a burial plot. Every plot shall be subject to (a) all applicable laws and governmental regulations; (b) the Rules and Regulations of the Cemetery as now in force, or hereafter amended or adopted. The deed and these Rules and Regulations, and any amendments hereto, shall constitute the sole agreement between the City and the Owner, as to interment rights.
3. The person(s) named in the deed of record will be presumed to be the Owner(s) of the burial plot(s) unless the city approves in writing the transfer or assignment of ownership in accordance with these Rules and Regulations as they now exist or may hereinafter be amended. All plot(s) conveyed to individuals shall, unless stated otherwise, be presumed to be the sole and separate property of the Owner(s) named in the deed.
4. Upon the receipt of an Order of Distribution by a court having jurisdiction over the estate of a deceased Owner, the City shall revise its records to reflect the ownership of the burial plot(s) in accordance with such Order.
5. If an Owner of record dies without having transferred unused burial plot(s), either by Will or by a transfer deed provided to the City, any such unused plot(s) shall descend to the heirs at law. Where a transfer of ownership results in multiple owners, each co-Owner shall have the right to interment in any unused burial plot with the consent of the other co-Owners. No co-Owner may inter or authorize the interment of anyone other than a co-Owner, without the consent of all other co-Owners and the City.
6. The City will not consent to the burial in any lot or plot until the purchase price has been paid in full.

SECTION III SUPERVISION OF CEMETERY

1. The City reserves the right to require all persons entering the cemetery to obey all Rules and Regulations adopted by the City.
2. Because there may be occasion when the strict interpretation of these rules may cause undue hardship to the lot owners, the City reserves the right to modify any part of these rules on a case by case basis and approved by the Cemetery Board.
3. The City shall take reasonable precautions to protect against loss or damage to property within the Cemetery, but it expressly disclaims all responsibility for loss or damage from causes beyond its reasonable control.
4. The City shall have the right to correct any errors that may be made in interments, disinterment, sales transfers, or conveyances of burial plots. In the event of an error, the city shall have the right to substitute burial plot(s) of comparable value and similar locations to the extent possible. As an alternative, the City, at its sole discretion, may refund the purchase price of burial plots in which the error relates. In the event of an incorrect interment, the City shall have the right to remove and transfer the remains to the appropriate plot or to a similar location of comparable value. The City shall have no liability as a result of any errors of the type described in this paragraph other than its obligation to take the remedial actions described herein.
5. The City reserves the right to enlarge, reduce, re-plat, or change the boundaries of the Cemetery or a section(s) thereof, including, but not limited to, the right to modify, change, or remove, benches, drives, landscaping and walks. The City also reserves the right to install, maintain, operate, and alter, drainage and sprinkler systems as they may exist in dedicated drives and walkways. The City reserves for itself and those lawfully entitled thereto the perpetual right of ingress and egress over lots for the purpose of passage to and from other plot(s).
6. The City shall have sole and exclusive authority with respect to planting, sodding, surveying, and improvements within the cemetery.
7. No persons, other than duly authorized employees of the City, shall be allowed to perform any work within the Cemetery without written authorization issued by the city, and any such work so authorized shall be subject to all provisions contained herein.
8. If any tree, shrub, or plant becomes detrimental to the burial plot(s) upon which it stands or to an adjacent plot(s) or walkways, or if any other reason

the City shall have the right to remove such tree, shrub, or plant, or otherwise correct the condition as it deems necessary. In the event of any such removal, the city shall have no obligation to replace the removed tree, shrub, or plant.

9. It is the duty of the plot owner to notify the City of any changes due to marriage, divorce, change in heirship or change in mailing address. The City shall be deemed to have fulfilled any and all legal obligations it may have to property owners by mailing any legal notices to the last address of record provided to the city by the plot owner.

SECTION IV SALE AND TRANSFER OF BURIAL PLOTS

1. In order to maintain an accurate record of all sales or transfers between owners of burial plot(s), they shall first be approved in writing by the City. A copy of the transfer deed shall be provided to the City.
2. Any and all transfers of ownership or Interment Rights, whether the same is by conveyance, assignment, or purchase agreement, are subject to all Rules and Regulations of the Cemetery, which now exists or which may be hereafter enacted or amended.
3. The subdivision of burial plot(s) or lot(s) is not allowed beyond that shown on the City's official cemetery map.
4. Except between heirs or co-owners, the transfer, sale or conveyance of an undivided interest in a lot(s) is not allowed.
5. The City may, at its sole discretion, allow owners to exchange previously purchased plots for equivalent plots in another section of the Cemetery. In the event of lot exchange between the owner and the City, the original deed must be surrendered to the City and a revised deed issued to the Owner. The City reserves the right to charge a fee for any such exchange.
6. Removal of interred, entombed, or inurned remains for the purpose of reselling a lot or plot is prohibited.
7. Lots or plots shall be purchased solely for the purpose of personal or family interment and not for the purposes of speculation or profit. Owners are prohibited from allowing interments in their plots exclusively for compensation for profit. Any violation of this rule by any person or entity will result in that person or entity being prohibited from further purchases of lots in Williamson Cemetery.
8. At no time will a lot be sold to an entity or a person whose purpose is to resell the lot for profit or as a part of a program or package sold to individuals by this person or entity attempting to or resulting in a profit from the transaction.
9. All transfer of ownership of any lot shall be at the sole expense of the owner. The City must be notified of any such transfer so that the City's records will remain up-to-date.

SECTION V INTERMENT REGULATIONS

1. All City charges and fees must be paid in full before an interment or disinterment within the Cemetery.
2. The City must be provided with a 48-hour advanced notice prior to interment. Such notice shall be in the form of a Burial Permit provided by the City (see website). All Burial Permits must be completed in full and executed by the Funeral Director and the lot/plot Owner. Before interment, the Burial Permit must be reviewed and approved by a City representative. Burial Permits for Sunday and Monday interments must be received by the City before 12:00 noon the preceding Friday. Failure to follow these requirements may result in overtime charges to the Funeral Home or postponement of the interment.
3. Burial Permits requiring less than a 48-hour notice (see item 2 above) shall be deemed an emergency and will be charged a \$500.00 non-refundable processing fee which must be paid prior to any action on this request by the City.
4. The City may postpone or reschedule a graveside or other interment service if, in the opinion of the City's management, too many services are concurrently scheduled or because of inclement weather conditions, or because of other conditions beyond the control of the City.
5. Prior to permitting an interment, the City shall require a duly executed Burial Permit (see item 2 above), signed by the Owner and/or Co-Owner of the plot. In the event the Owner and/or Co-Owner is deceased, the signature of their next of kin or executor is required.
6. All disinterments must be conducted in accordance with State and local law.
7. No more than one deceased individual shall be interred in a plot, unless specifically authorized, in writing, by the City. Should the City allow such an interment, the City may at their sole discretion charge a fee equivalent to the current price of a cemetery plot.
8. The placement of cremated remains shall be permitted only after receipt of a completed burial permit as described in (see item 2 above) and the payment of all fees and in compliance with all rules of the Cemetery.
9. All interments, disinterments, and disinterments within the Cemetery shall be performed only by licensed personnel and in accordance with State law.
10. The City relies upon the identification of the deceased provided by the next-of-kin or authorized representative, and shall have no obligation to

independently establish or verify the identity of the remains to be interred or cremated.

11. The City shall not be liable for any delay in interment as a result of:
 - (i) A valid question, conflict, or protest to interment has been raised.
 - (ii) Noncompliance with the Rules and Regulations of the Cemetery.
 - (iii) The failure of the owner or person authorized to allow burial in a plot or lot to properly and timely notify the City of the change in ownership or authority to allow burial in the specific plot/lot requested.

SECTION VI GENERAL REGULATIONS

1. It is the intent of the City to maintain Williamson Cemetery in a dignified, reverent manner that is respectful of the family. Toward that end, the long-term placement of items other than live plants or shrubs is prohibited. The City reserves the right to remove items such as aged and faded artificial flowers, boxes, shells, toys, glassware, sprinkling cans, shepherd hooks, solar lights (of any type), receptacles, or similar items.
2. All flowers shall be removed two (2) weeks after interment and then limited to one (1) container or vase. Any container, vase, artificial or fresh flowers that are faded, broken or wilted will be removed by the City.
3. The City is not responsible for theft or damage to any personal property, including flowers, decorations, artifacts, personal effects, etc. placed on or near interment spaces or elsewhere in the Cemetery.
4. Placement of granite, marble or wrought iron benches shall be permitted upon obtaining prior approval of the City. No wooden or concrete benches or chairs, or trellis of any type shall be permitted upon the Cemetery grounds.
5. No person shall be permitted to enter or leave the Cemetery except by the public gate, during posted visiting hours. Any persons, not an employee of the City, without prior authorization from the City, found on the grounds after dark will be considered a trespasser.
6. All funeral activities shall be subject to the supervision of a duly licensed Funeral Director and/or authorized representative of the City.
7. Automobiles shall not be driven through the Cemetery grounds in excess of 10 mph. and shall only be allowed on the designated drives. Vehicles with a gross weight of 15,000 lbs. or more are not permitted on Cemetery roads.
8. No person shall, in any way, disturb the quiet and good order of the Cemetery.
9. 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.
10. No trees, shrubs, or other plants may be placed in the Cemetery without prior approval from the Board. Said plants may be removed at the sole discretion of the City.
11. The Cemetery grounds are considered sacred and the provisions and penalties of the law, as provided by statute will be strictly enforced in all cases of wanton injury, disturbance, and disregard.

12. Solicitation by vendors on Cemetery property is strictly prohibited. No signs, notices or advertising may be placed on Cemetery grounds and such items will be removed by the City.

13. All pets must accompany their owner. The owner shall be responsible for cleaning up pet feces within the Cemetery. All owners shall adhere to Section 14-72 of the City of Northport Code of Ordinances, Item B, “It shall be unlawful for any person owning, keeping, possessing, harboring, or maintaining a dog to cause, allow, or permit such dog to run or be at large upon any street, alley, thoroughfare, sidewalk, or public place in the city unless such dog is attached to a leash, cord, or chain of not more than six feet in length and secured to a collar, with swivel connections, in such manner as to effectively prevent the escape of the dog, and with the leash, cord, or chain being in the hands of the owner or other person in charge of such dog.”

**SECTION VII BURIAL VAULTS, MEMORIALS, FOUNDATIONS,
AND INSTALLATIONS**

1. In order to maintain a uniform and respectful appearance in the Cemetery, the City reserves the right to regulate the kind, size, design, quality, and material of all burial vaults, memorials, bases and foundations which are placed in the Cemetery.
2. All burial vaults, memorials, bases and foundations, placed in the cemetery must be in accordance with these Rules and Regulations. The City reserves the right to reject and prohibit the placement or installation of any burial vault, memorial, base, foundation, embellishment, or other items or structures which does not conform to these Rules and Regulations.
3. Except as otherwise provided herein, no burial vault, memorial, base or foundation shall be placed or removed from the Cemetery without prior written authorization from the Director of Public Works, or designated representative of the City. In the event of removal, the plot owner and/or the deceased's next-of-kin or their respective authorized representative must also grant approval. Any removal, so approved, shall be made in accordance with the applicable requirements of the Cemetery Rules and Regulations.
4. All markers, monuments, bases or other memorials must be of high grade granite or marble and shall contain no discoloration, flaws, or weak-spots. No artificial stone of any description is permitted. All materials must be approved by the Cemetery Board.
5. Monument bases must be six inches longer on each side of the monument and not more than four inches from the front and rear of monument. All parts of a monument must be of the same material and grade unless approved, in writing, by the Cemetery Board.
6. Monument base dimensions are restricted based upon lot orientation and size as follows:
 - 8 grave lot (4/4) – 5' minimum to 8' maximum width
 - 6 grave lot – 4' minimum to 8' maximum width
 - 4 grave lot - 5' minimum to 8' maximum width
 - 4 grave lot (2/2) – 4' minimum to 5' maximum width
 - 2 grave lot – 2' minimum to 4' maximum width
 - 1 grave lot (if applicable) – 2' minimum to 4' maximum width

All memorials shall be set on uniform lines as prescribed by the Board to conform to the general plan of the Cemetery. No monument shall be located closer than one (1) foot from the lot line.

7. The dimensions of foot or flush mount monuments shall be as follows:
 - a) Adult - not more than 28" x 14" x 4" thickness
 - b) Child/infant not less than 20" x 10" x 4" thick
 - c) All markers shall be not less than 4" thick
 - d) All flush bronze monuments must be placed on a granite base having a minimum thickness of 4".
 - e) All markers shall be flush with the ground.

The City reserves the right to accept memorials furnished to Veterans by the United States Government, which may not meet all the specifications set forth above.

8. The City reserves the right to refuse to allow the erection of any marker or monument, if in its opinion, it is objectionable, whether regarding size, material, design, structure, faulty construction; or if made of inferior materials; or, if *not* in compliance with the Rules and Regulations of the Cemetery.
9. The City shall be notified 48 hours in advance of installing a monument or marker.
10. No markers or monuments shall be installed on Saturdays, Sundays, or legal holidays, or when conditions are such that installation will damage the Cemetery grounds.
11. When work is completed, the lot and surroundings must be left in a clean and acceptable condition. All waste, litter, trash, and lumber must be immediately removed by the party in charge of the work.
12. All marble monuments must be set in white cement and joints wiped. All granite monuments must be leaded and caulked.
13. Lettering for monuments and markers must be of the highest quality and conform to accepted industry standards. The City reserves the right to reject any monument or marker and to remove any monument or marker that fails to meet this standard.
14. All Cemetery charges must be paid in full and a deed issued, before any memorial or foundation may be placed on a lot or plot within the Cemetery. Any memorial which is placed prior to full payment of such charges may be removed by the Cemetery, at the Owner's expense.
15. The Cemetery Board and City reserve the right to correct any error that may be made in the location of a lot, plot, or memorial. If the error is the fault of the City, the City shall correct the error at its sole expense. However, if the

error is through no fault of the City, the error shall be corrected at the sole expense of the Owner.

16. The Cemetery Board reserves the right to prohibit the placement of memorial benches and to restrict their location to certain areas of the Cemetery. No bench may be placed which, in the opinion of the Cemetery Board, is unsightly. Benches shall be constructed of granite, marble or wrought iron unless otherwise approved, in writing, by the Cemetery Board. The Cemetery Board reserves the right to remove any bench which does not comply with this section.
17. All interments made within the Cemetery will require a vault meeting the current standards of the industry.
18. The Cemetery Board reserves the right to inspect the completed installation of any memorial, memorial foundation, or vault placed in the Cemetery to ensure that such installation is in accordance with the Cemetery Board's Rules and Regulations. If the Cemetery Board or its representative determines that the installation is incomplete or improper, the Board will notify the family representative and the improper installation must be corrected in a timely manner. Any contractor who willfully violates these Rules and Regulations shall be prohibited from any further work in the Cemetery.
19. Only licensed Morticians and Funeral Directors shall perform interment services in Williamson Cemetery. The Funeral Home shall hold harmless and indemnify the City and the Board for any damages to the Cemetery grounds, appurtenances, or defects in their work or the work of their sub-contractors.
20. The Cemetery Board reserves the right to stop all work of any nature, when in the Board's opinion: proper preparations have not been made; when tools and machinery are insufficient or inappropriate; when work threatens life or property; or when work is not executed per the Cemetery Board's Rules and Regulations.
21. All work or other activity in the immediate vicinity of a funeral or other service must cease until the service has concluded.
22. Temporary markers supplied by funeral homes will be permitted for thirty (30) days after interment.

SECTION VIII CASKETS AND URNS

1. All ground interments shall be made in caskets or urns constructed for such purposes. All such caskets or urns shall be constructed such that they meet current standards of the industry. Caskets shall be constructed such that they are of sufficient strength to support the weight of an adult human body.

SECTION IX GENERAL PROVISIONS

1. The City hereby reserves the right, at any time or times, with or without notice to Owners, to adopt new Rules and Regulations, or to amend, alter, and/or repeal same at any time. A copy of the Rules and Regulations, and any amendments thereto, shall be made available for inspection upon request at City Hall.
2. This document is a binding agreement between all individual lot owners of plots in Williamson Cemetery and the City of Northport and is controlled by Alabama Law.
3. Both the individual lot owner and the City of Northport hereby waive his, her and its right to a trial by jury and any dispute shall be resolved by a trial **WITHOUT A JURY** in the proper court located in Tuscaloosa County, Alabama in the event the following provision is not allowed.
4. **BINDING ARBITRATION** to the extent allowed by law, any controversy or claim arising out of or relating in any way to Williamson Cemetery, including any matters involving in any way any current or former employee, attorney, or elected official of the City of Northport relating in any way to Williamson Cemetery, these rules and regulations, any deed or burial in Williamson Cemetery shall be settled by arbitration administered by the American Arbitration Association under its commercial arbitration rules. The number of arbitrators shall be three. The place of arbitration shall be in Tuscaloosa County, Alabama. The laws of the State of Alabama shall apply. Judgement on the award rendered by the arbitrators may be entered in any court having jurisdiction thereof, the arbitrators shall have authority to **award only direct and actual damages** to the aggrieved party. **No other damages, including, but not limited to, consequential damages, special damages and punitive damages shall be allowed. Each party shall pay its own proportionate share of arbitrator fees and expenses and the arbitration fees and expenses.**
5. **The current rules and regulations, as amended from time to time, shall be located on the website of the City of Northport and shall be binding upon all owners of lots located in Williamson Cemetery.**
6. **The City shall not be liable for any type of damages whatsoever in the event the City is not timely notified of the identity of the owner of the lot or plot, or, where applicable, the person having control over the use of the lot or plot when this information changes from the name on the roll and records of the City of Northport.**

SECTION X BURIAL PERMIT FORM

1. The Burial Permit Form or Permit Form a used in Chapter 28, Williamson Cemetery Rules and Regulations, shall be created and maintained by the Northport Director of Public Works. The Director of Public Works is hereby given the authority to make changes to this Burial Permit Form as needed, from time to time, without any further action by the Northport City Council. A copy of the Williamson Cemetery Burial Permit Form shall be maintained on the City of Northport website and copies shall also be available at Northport City Hall.

Amended on July 6, 2021 – Ordinance 2080

SECTION XI CEMETERY PLOT COSTS

1. The price of a plot in the Williamson Cemetery shall be Two Thousand and No/100 (\$2,000.00) Dollars, and the plots can only be sold in pairs (i.e. two, four, six, eight, etc.). The total cost of two plots shall be Four Thousand and No/100 (\$4,000.00) Dollars.

Amended on July 6, 2021 – Ordinance 2081